DOCUMENT RESUME

ED 340 961 CG 023 916

TITLE	Hearing on the Juvenile Justice and Delinquency Prevention Act. Hearing before the Subcommittee on Human Resources of the Committee on Education and Labor. House of Representatives, One Hundred Second Congress, First Session (Santa Fe, New Mexico).
INSTITUTION	Congress of the U.S., Washington, DC. House Subcommittee on Human Resources.
REPORT NO	ISBN-0-16-037214-3
PUB DATE	27 Sep 91
NOTE	94p.; Serial No. 102-75.
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Congressional Sales Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Delinquency; Federal Programs; Hearings; *Prevention; State Programs; Youth Problems
IDENTIFIERS	Congress 102nd; *Juvenile Justice Delinquency Prevention Act 1974; *Testimony

ABSTRACT

Testimony given at a hearing on the Juvenile Justice and Delinquency Prevention Act which is scheduled to expire in September 1992 is presented in this document. An opening statement by Representative Matthew G. Martinez, Chairman of the Subcommittee on Human Resources of the Committee on Education and Labor, discusses the vulnerability of youth. Testimony and prepared statements or materials from these individuals are included: (1) Chris Baca, Youth Development, Inc., Albuquerque, New Mexico; (2) Jim Brown, Community Research Associates, Champaign, Illinois; (3) Betty A. Downes, Chair, New Mexico Juvenile Justice Advisory Committee, Santa Fe, New Mexico; (4) Alice King, Former Chair, New Mexico Juvenile Justice Advisory Committee, Santa Fe, New Mexico; (5) Orlando Martinez, Associate Director, Family and Children Services, Department of Institutions, Denver, Colorado; (6) Vicki Neiberg, National Coalition of State Juvenile Justice Advisory Groups, Lansing, Michigan; (7) Dennis Noonan, Our Town, Tucson, Arizona; (8) Dan Prince, Chief of Planning, Division of Children and Families, Department of Human Resources, State of Nevada, Carson City, Nevada; and (9) Robert E. Shepherd, Jr., Chair, Reauthorization Committee, National Coalition of State Juvenile Justice Advisory Groups, Richmond, Virginia. (ABL)

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HEARING ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

ED340961

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

HEARING HELD IN SANTA FE, NM, SEPTEMBER 27, 1991

Serial No. 102–75

Printed for the use of the Committee on Education and Labor

CG023916

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Office of Educational Research and Improvement
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48-459 WASHINGTON : 1992

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Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-037214-3

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HEARING ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

FRIDAY, SEPTEMBER 27, 1991

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HUMAN RESOURCES,
COMMITTEE ON EDUCATION AND LABOR,
Santa Fe, New Mexico.

The subcommittee met, pursuant to notice, at 9:30 a.m., at the Pichacho Hotel, 750 North Saint Francis, Santa Fe, New Mexico, Hon. Matthew Martinez [Chairman] presiding.

Member present. Mr. Martinez.

Chairman MARTINEZ. Good morning, good morning, ladies and gentlemen. I am delighted to be here this morning. Let me try to explain to you why we are here. We are here today at your semi-annual conference of State juvenile directors to begin a series of hearings where we will gather information with which to guide us in the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

This act is scheduled to expire on September 30, 1992. We will be looking at a number of issues that we know exist and others that will be brought up at these hearings. We will also look at the original intent of the act, its mandates and the future of juvenile justice in America.

Most of you know that over the past 17 years, since the enactment of the Juvenile Justice and Delinquency Prevention Act, the act has evolved to adjust to the changing needs of both the system and to the youth that it serves. And I wonder sometimes if we have not kept pace with the rapid growth of gangs, violence and crime and its correlation with the other reasons juveniles are dislocated from our society. This subcommittee intends to take a look at the existing programs to determine what works and what does not and at innovative new programs that offer other alternatives and hope for our youth.

Now, some of you may have heard me talk about the vulnerability of the people served by this program or the program under the jurisdiction of this subcommittee, but I do not believe there are any people more vulnerable than our youth. These teenagers are impressionable. They are struggling with a world of constantly-changing values and are in the process of making a transition from childhood to adulthood, which at many times is difficult. Those that do not have support at home and who may be abused or neglected have few places to turn other than the streets.

And I, in my neighborhood that I grew up in, have seen this many, many times. Children who are in an abused home take to the gangs and to the streets to try to get some kind of identity and some kind of good feeling. Those that feel disenfranchised many times reach out for just their peer approval wherever they can find it, whether it is in gangs or whether it is just other peer groups that are up to no good. Many hide their pain by abusing drugs and many just succumb to peer pressure, just wanting to be accepted.

We are holding this hearing in conjunction with the National Coalition of State Juvenile Justice Advisory Groups meeting to look at issues facing States in administering the act both on a statewide basis and at the local level. You will hear from State advisory group members and from State administrators.

We will also hear testimony from those who have been in the field, so to speak, those who have provided services to our youth from gang intervention to drug prevention, from runaway shelters to diversion from the criminal justice system. I think that we will all find this testimony both helpful and interesting, and I look forward to hearing the witnesses today.

[The prepared statement of Hon. Matthew G. Martinez follows:]

STATEMENT OF HON. MATTHEW G. MARTINEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Good morning: I am really pleased to be here this morning to begin a series of hearings to consider the reauthorization of the Juvenile Justice and Delinquency Prevention Act. The act is scheduled to expire on September 30, 1992 and this subcommittee will be looking at a number of issues between now and then, including the original intent of the act, its mandates, and the future of juvenile justice in America.

Over the past 17 years since the enactment of the Juvenile Justice and Delinquency Prevention Act, it has evolved to adjust to the changing needs of both the system and to the youth that we serve. Provison of services has gotten more sophisticated, but so have our youth.

This subcommittee intends to take a look at existing programs to determine what works and what doesn't; and at innovative new programs that offer other alternatives and hope for our youth.

Some of you may have heard me talk about the vulnerability of the people served by the programs under the jurisdiction of this subcommittee. None are more vulnerable than our youth. These teenagers are impressionable—struggling with a world of constantly changing values—and are in the process of making the transition from child to adult—which is most difficult at best.

Those who have no support at home—who may be abused or neglected—have few places to turn, other than to the streets.

Those who feel disenfranchised reach out for peer approval and find it where it is available—whether it is belonging to gangs or other peer groups. Many hide their pain through abusing drugs and many just succumb to peer pressure, wanting to be accepted.

Today, we are holding this hearing in conjunction with the National Coalition of State Juvenile Justice Advisory Groups meeting to look at the issues facing States in administering the act on both a statewide basis and at the local level. We will hear from State advisory group members and from State administrators.

We will also hear testimony from the front lines. From those who provide the services to our youth; from gang intervention to drug prevention; and from runaway shelter to diversion from the criminal justice system.

I think that you will find the testimony both interesting and informative.

Mr. MARTINEZ. And with that, I would like to call up our first panel: Ms. Vicki Neiberg, who is the Chair for the National Coalition of State Juvenile Justice Advisory Groups from Lansing, Michigan, Mrs. Betty A. Downes. who is Chair of the New Mexico Juvenile Justice Advisory Committee of Santa Fe, New Mexico, Mr.

Orlando Martinez, no relation, Associate Director of Family and Children Services, Department of Institutions, Denver, Colorado, although we might be, because I am originally from Colorado. I was born in Walsenberg, Colorado.

Mr. O. MARTINEZ. Well, you bear a very familiar resemblance to my family.

Chairman MARTINEZ. Is that right?

[Laughter.]

Chairman MARTINEZ. I might tell you a very interesting story. When I was first elected to Congress I was asked to visit Phil Burton in San Francisco. And when I went in his office there was a gentleman there who introduced himself as Willie Martinez. And when I looked at him, strange as it may seem, he was the spitting image of my father. And I couldn't help but remark to him that he was.

And following that statement I said, "Where are you from?" And he said, "Colorado." I said, "Oh, I was born in Walsenberg, Colorado." He said, "I was, too." It turns out he is a first cousin. So you never know.

Mr. O. MARTINEZ. So you never know.

Chairman MARTINEZ. And our last panelist is Mr. Dan Prince, Chief of Planning, Division of Children and Families, Department of Human Resources, State of Nevada, Carson City, Nevada.

Welcome, I welcome you all and Ms. Neiberg, we will start with you.

STATEMENT OF VICKI NEIBERG, NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS, LANSING, MICHIGAN

Ms. NEIBERG. Thank you, Chairman Martinez and staff. I am Vicki Neiberg, Chair of the National Coalition of State Juvenile Justice Advisory Groups and Chair of the Michigan Committee on Juvenile Justice, a State advisory group. I am here today on behalf of the National Coalition to express the State's perspective on the proposed reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

I am very pleased and honored that your subcommittee would like to hear the National Coalition's opinions on the structure and function of the act.

Through the act, Congress empowered volunteer citizen advisory groups to respond to the systemic needs of the children and youth who are often ignored, in appropriately treated and/or locked up, the juvenile offender.

At the State level, every governor must appoint an advisory group that creates the policies for distributing the Federal dollars and the policies for carrying out the mandates of the act. All members of State juvenile justice advisory groups participating under the act are members of the National Coalition.

The State chairs form the Board of Directors of this organization, which creates all policy for the organization. The National Coalition has become the support system for the State and territorial groups through a regional and national structure. Through a national conference and regional training each State and territory is

able to share programs, screening tools, detention criteria, legislative strategy, diversion projects, et cetera.

Individually, we are able to borrow from each other, enlarge upon the idea and make it suitable for our own State and local jurisdiction.

Now, what do you buy with your dollars? Progress has transcended the number of grants or the amounts of the awards. The dedicated professionals in juvenile justice, the volunteers and the activist groups have devoted untold energy and resources beyond the available grant funds. Our ability to serve youth in our communities by carrying out the mandates and intentions of the act is directly related to the perseverance of congressional oversight and interest.

States tend to have pockets of non-compliance rather than having wholesale disregard for the premise of the act. States not in compliance because of a particular quirk need concerted assistance from the Office of Juvenile Justice and Delinquency Prevention. The Office must be willing to use all its power, prestige and resources to further the act's agenda rather than retreat from the act's underlying principles and goals. Changes and adjustments to the juvenile justice system have been accomplished by the States alone through the formula grant program without consistent leadership or expectations from the Office of Juvenile Justice and Delinquency Prevention.

The direction of the research, discretionary grants, exemplary demonstration programs and many other activities of the office have often been based on a current partisan fad, as opposed to the mandates of the act or the disparate needs of the States. Furthermore, the direction of these efforts has often had little relevance to the policy-makers or service providers at the local level. Where research and/or demonstration projects have provided information vital to the States, the coordination, integration and dissemination of these endeavors have often been absent.

Many States still need help to reach deinstitutionalization of status offenders and jail removal goals. If you'll look on page 2 of the written testimony, table one lists the number of States in compliance and not in compliance with each mandate. As you will see we have not met the mandates.

All States have just begun to wrestle with the enormity of the task in assessing and addressing the reality of disproportionate numbers of minority children within the juvenile justice system. Through the act you have helped us identify deeper problems, disproportionate representation of minorities within the juvenile justice system, variations and permutations of inappropriate confinement such as relabeling of status offenders as mental health deviants needing psychiatric placement, the lack of resources, coordination and attention of the Native American/Native Alaskan children. The act, however small, is the only Federal vehicle for addressing the herculean juvenile justice challenge.

There is an unwillingness and an inability of the administrative branch, regardless of party or person, to carry forth the intent and purposes of the act, resulting in friction and sometimes all out hostility towards the States. Some of the friction is inherent within the structure created by the act. Although the President of the

United States appoints the Administrator, the office itself has never had the luxury of independence to carry out the mandates of the act nor had the freedom to work with the States in a true partnership.

Even adequate staff support for training and technical assistance has not been available to carry out the normal activities within the formula grant section. If technical assistance had not been provided by an outside contractor, there would have been few if any services available to most States.

Most of the projects and programs sponsored by the divisions outside of formula grants are tangential to the basic thrust of the act. If the purposes of the act are to be carried out in a coordinated manner, then these structural defects must be corrected. The Office must be free to administer the act. The programs and research funded by the Office must be relevant to the work within the States. The vacancies must be filled; the staff trained in the vision of reform that the act incorporates, the Office held to a standard that reflects the core of the act.

Now, why has this piece of legislation survived when many others from this era have failed to thrive? The drafters of the act managed to infuse their fervor for change into all the activities mandated so that those of us who carry out the policy decisions under the act, those of us who carry out the administrative activities under the act, and those of us who carry out the services and justice for children would see beyond the acting out, the antisocial behavior, even the serious and violent crimes of our children. We would see young people who can reclaim and reconstruct their lives. And it has worked.

Although we have not completed our goal from the 1970's, deinstitutionalization of status offenders, nor our task from the 1980's, jail removal, we can say there are useful, successful programs and processes in every State. They need to be duplicated within and among States not undermined by a Federal bureaucracy that believes that juvenile offenders can be punished or coerced into peaceful productive lives. Neither juveniles nor society are served well by a juvenile justice policy that is primarily reactive and simply punitive.

It is not enough to get tough; we must get smart. It is time to invigorate and strengthen a juvenile justice policy based on knowledge rather than political expediency; one that is consistent with the high ideals embedded in the 1974 legislation. I appreciate this opportunity to speak to the subcommittee and I will be happy to answer any questions.

[The prepared statement of Vicki Neiberg follows:]

NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS

1211 CONNECTICUT AVENUE, NW • SUITE 414 • WASHINGTON, D.C. 20036
(202) 467-0864 • (202) 887-0738 (FAX)

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TESTIMONY OF VICKI B.E. NEIBERG,

ON BEHALF OF THE NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS

BEFORE THE SUBCOMMITTEE ON HUMAN RESOURCES OF THE COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES,

AT A PUBLIC HEARING HELD ON SEPTEMBER 27, 1991, IN SANTA FE, NEW MEXICO,

REGARDING THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Congressman Martinez and members of the Subcommittee:

I am Vicki Neiberg, Chair of the National Coalition of State Juvenile Justice Advisory Groups and Chair of the Michigan Committee on Juvenile Justice, a state advisory group. I am here today on behalf of the National Coalition to express the states' perspective on the proposed reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. I am very pleased and honored that your Subcommittee would like to hear the National Coalition's opinions on the structure and function of the Act. I have divided my testimony into five areas: *I. Who Are We?, II. Common Ground: The Basic Philosophical Principles, III. What Do You Buy With Your $$$?, IV. The Unfinished Agenda, V. Conclusion.*

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I.
Who Are We?

The National Coalition of State Juvenile Justice Advisory Groups is that "...organization composed of major representatives of the State advisory groups.. "mandated by section 241 (f)(2) of the Juvenile Justice and Delinquency Prevention Act to perform activities, which include "....advising the Administrator (of the Office of Juvenile Justice and Delinquency Prevention) with respect to particular functions or aspects of the work of the office; and advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention."

We are the only national organization that focuses on the juvenile justice system. We are citizen volunteers appointed by our governors, who represent both the public and private sector, the provider and consumer of services, the policymaker and the administrator, the professional and the "do-gooder," the young and the "not so young," the law enforcer and the delinquent.

We're a democratic body that forges consensus and takes stands that further envision change. We embody the activities that Congress foresaw for the state advisory committees: the policy makers, the compliance monitors, the youth advocates, the juvenile system reformers and the bureaucratic conscience.

Because of the dictates of the Act, juvenile justice reform operates in an extraordinary way. In a unique citizen-government partnership, local citizens (volunteers), local, state, and federal governmental employees, public and private providers, training and technical contractors, law enforcement officers, and judicial personnel are prodded by specific mandates and inspired by a legislative vision. This single piece of Federal legislation provides the only Federal authority and direction for the reform and advocacy efforts on behalf of our children, children that no one else concentrates on, troubled children, abandoned children, delinquent children.

Through the Juvenile Justice and Delinquency Prevention Act, Congress empowered volunteer citizen advisory groups to respond to the systemic needs of the children and youth who often are ignored, inappropriately treated and/or locked-up, the juvenile offender. Together, we search for answers. The state advisory groups have never wavered in their commitment to effective juvenile justice policy.

Structure of the National Coalition

Translating this policy into a viable, visible national organization has required great effort by a lot of dedicated individuals. Seventeen years ago when the JJDPA was first passed, there was no "We," no coalition. This piece of reform legislation required each governor to appoint an advisory group to carry out the mandates of the Act. Consequently, there were 50 neophyte advisory groups each trying to define its role and to make sense of the Act.

The Juvenile Justice and Delinquency Prevention Act dictates a very unusual policy-making and administrative structure. At the state level, every Governor must appoint an advisory group that creates the policies for distributing the Federal dollars and the policies for carrying out the mandates of the Act. The majority of each advisory group, including the chair "...shall not be full time employees of the Federal, State, or local government." All members of the state juvenile justice advisory groups participating under the Act are members of the

National Coalition of State Juvenile Justice Advisory Groups. The state chairs form the Board of Directors of the National Coalition, which creates all policy for the organization.

Approximately twelve years ago, 1979, the National Coalition of State Juvenile Justice Advisory Groups was conceived. It has become the support system for the state and territorial groups through a regional and national structure. Via a national conference, each state and territory is able to share programs, screening tools, detention criteria, legislative strategy, diversion projects, etc. Individually, we are able to borrow from each other, enlarge upon the idea, and make it suitable for our own state or local jurisdiction. The power of diversity enables the Coalition to focus on the systemic change of a juvenile justice system that does not adequately meet the needs of society or the needs of youth.

Together, we have grown-up and united into a single entity; a democratic body of volunteers who form consensus based upon a common philosophy toward youth. Together, we write an annual report. As remarkable as this may seem, a report emerges which reflects the consensus of the participating states and territories. Together, we make recommendations to the President, Congress, and the Office of Juvenile Justice and Delinquency Prevention.

Our distinctive contribution was recognized by Congress in 1984 when it abolished the politically appointed National Advisory Committee (NAC) and replaced it with the National Coalition of State Juvenile Justice Advisory Groups, a voluntary, non-partisan organization. As the National Coalition assumed the work of the NAC, Congress amended the Act in 1988 to require the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide technical and financial assistance to The Coalition to allow it to fulfill its mandated functions.

The 1974 Juvenile Justice and Delinquency Prevention Act was and is reform legislation. It mandated deinstitutionalization of status offenders and non offenders and sight and sound separation of delinquents from adults in any adult facility. (The inadvertent consequence of sound and sight separation was that youth held in an adult facility were kept in **solitary confinement**.) Therefore, in 1980, the jail removal mandate was added to the Act. Many states still have the basic mandates to fulfill:

Table 1
Survey on Compliance*
(includes 49 States and 4 Territories)

Deinstitutionalization of Status Offender (DSO)	
In Compliance	48
Not In Compliance	5
Sight and Sound Separation	
In Compliance	41
Not In Compliance	12
Jail Removal Initiative (JRI)	
In Compliance	33
Not In Compliance	20

**This data was collected on September 5, 1991, by telephone, to all states and territories.*

All of us are challenged to meet our newest mandate: minority over-representation within the juvenile justice system. Each of us grapples with the inadequate formula of the "Indian pass through" monies.

Our National Coalition provides us with a unified voice to advise Congress, the President, and OJJDP; to express the consensus of 57 states and territories; to provide a structure for continuity of effort for every state and territory regardless of the individual who serves as President, Attorney General, Administrator, governor, state advisory group member, or state chair; to disseminate the Federal legislative intent to all state chairs and advisory group members; to serve as a repository for the information garnered from the national conferences, (attendees and presentors), the states, the Federal Office and contractors, and the national child serving agencies; to return home empowered to do the needed work. Together, the state advisory committees have become the catalyst for change.

II.
Common Ground: The Basic Philosophical Principles

Research, personal experiences, and accumulated wisdom from the juvenile justice community, child-serving agencies, and child advocates, were shared with Congress over a period of six years. Based on this information, critical thinking, and court decisions, Congress embraced a philosophy which is reflected throughout the Act. This view has led to the priorities, i.e., mandates that are currently emeshed in the Act, to the subsequent amendments, and to a set of regulations reflecting the principles of the Act. These are the underpinnings which each state and thereby each local grantee must follow.

These basic tenets include the following,

1. If children are to have a healthy and happy life, their needs should be met within their family and community and not within an institution.
2. If society decides to intervene in the life of a child, certain safeguards must be provided:
   a. no status offender or non-offender will be held in a locked setting;
   b. a non-offender will not be co-mingled with a status offender or a delinquent;
   c. appropriate alternative placements will be found for the child;
   d. diversion from the juvenile justice system;
   e. appropriate programming will be found for the child;
3. If freedom is going to be restricted, children have a right not to be held in an adult facility – not a jail, or a lockup, or a holdover. Furthermore, children, who are in institutions, have a right to:
   - due process
   - counsel
   - safety
   - the least restrictive setting
   - treatment
   - medical & psychological screening
   - medical services
   - rehabilitation

- regular and appropriate education services
  - appropriate educational testing upon admission
  - individual educational plans
  - sufficient resources to implement such plans
- work programs that are related to the child's personal and therapeutic needs
- regular and extensive exercise and recreation
- food that meets the dietary requirements for children
- professional supervisory staff and line staff with appropriate academic degrees and/or license, training and experience required for particular positions in the institution
- adequate living space and privacy
- be free of physical restraints
- a grievance procedure
- be free of corporal punishment
- be spared isolation techniques whether they be cells or "time-out" rooms

Congress, through the Department of Justice, through the Office, through the States, by way of their leadership and grants, will implement these principles, enforce these guidelines and reform and reshape the juvenile justice system in this country. These precepts were to be instituted by each state regardless of budgetary considerations.

III.
What Do You Buy With Your $$$?

Progress has transcended the number of grants or the amounts of the awards. We are talking about a relatively small program, but it has had immense leverage. The dedicated professionals in juvenile justice, the volunteers, and the activist groups, have devoted untold energy and resources beyond the available grant funds. Our ability to serve youth in our communities by carrying out the mandates and intentions of the Act is directly related to the **perseverance of Congressional oversight and interest**. States will not continue to progress without your Federal assistance. If we are to positively effect the justice and opportunities for our children, resources must be brought to the child's community and family. Programs in the community may be the key to saving many young lives.

In fulfilling the original objectives, states have had uneven success. States' progress has been slow but steady. All states have made modifications to their handling of juveniles. Attitudes, processes, laws, procedures and programs have changed dramatically over the past seventeen years. All the territories and most states comply with the Act on the whole or in part; states tend to have pockets of non compliance rather than having wholesale disregard for the premise of the Act. States, not in compliance because of a particular quirk in a law/ordinance, court, location, or some other aberrant localized situation, need concerted assistance from the Office. The Office must be willing to use all its power and prestige to further the Act's agenda rather than retreat from the Act's underlying principles and goals.

Changes and adjustments to the juvenile justice system have been accomplished by the States alone, through the Formula Grant Program, without consistent leadership or expectations from the Office of Juvenile Justice and Delinquency Prevention. The direction of the research, discretionary grants, exemplary demonstration programs, and many other activities

of the Office has often been based on a current partisan fad, as opposed to the mandates of the Act or the desperate needs of the states. Furthermore, the direction of these efforts has often had little relevance to the policymakers or service providers at the local level. Where research and/or demonstration projects have provided information vital to the States' effort, the coordination, integration, and dissemination of these endeavors have often been absent.

We need the JJDPA to allow us to continue to press for the attainment of the original priorities. Without your leadership and funding, momentum will be lost; without the spotlight of regulations and state monitoring, there will be gradual slippage in compliance; without the Federal Office carrying out the day-to-day activities, states will continue to flounder; without some structural strengthening of the Act, the Office will continue to be driven by a political agenda, instead of being able to operate as an independent agency.

Many states still need help to reach deinstitutionalization of status offenders (DSO) and jail removal (JRI) goals. All states have just begun to wrestle with the enormity of the task in assessing and addressing the reality of disproportionate numbers of minority children within the juvenile justice system. Without Federal assistance, progress will be stalled; there is little hope for future success in the absence of Federal leadership.

Although the states have had to "buy-in" to the administration of the Act by providing a 50% match for staff, there has been no requirement for any state to match the formula grant portion of the Act. The no-match provisions of the Act have allowed ideas and groups to flourish which would otherwise have had no hope. What these programs, groups and ideas have accomplished is often truly remarkable; seed money has been used to establish alternatives to adult facilities, shelter care, models for juvenile processing, specific treatment programs and many other services that are now fully funded by the state or local government. Unless no-match federal assistance is continued, there is little expectation that the goals envisioned within the Act will ever achieve success.

There are few programs which deliver so much bang for the buck. Juvenile advocates are tenacious and persistent overachievers. Over the years, people within the states have learned to work for an overall national agenda. This is truly a program that reaches into every nook and cranny of the juvenile justice system. The state advisory group, along with its state planning agency, collects data, creates monitoring systems, and ultimately targets what types of programs will be funded. Finally, every local group designs a program to meet its local needs and yet fulfills the obligation of the state to meet the Federal mandates. Every state legislature, county, law enforcement agency, juvenile court, residential program, and most state agencies has been directly affected by this piece of legislation.

Although under the influence of the JJDPA, we have achieved notable success and progress has been substantial on deinstitutionalization (DSO) and the jail removal initiative (JRI), there is a long way to go and there are many additional related goals which challenge us all. Through the Act, you have helped us identify deeper problems: disproportionate representation of minorities within the juvenile justice system; variations and permutations of inappropriate confinement such as relabeling of status offenders as mental health deviants needing psychiatric placement; the lack of resources, coordination, and attention of the Native American/Native Alaskan children. JJDPA, however small, is the only federal vehicle for addressing the herculean juvenile justice challenge. The end of JJDPA assistance would snuff out the spark of hope it offers for juvenile justice reform.

IV.
The Unfinished Agenda

1. the continued use of inappropriate confinement of juveniles
2. the quality of institutional care for juveniles
3. the lack of community-based programs for anti-social and acting-out children; the lack of nonresidential programs to meet the mental health needs of children and their families
4. the inadequate funding for Native American/Native Alaskan children
5. the infancy of the effort to examine and address the over-representation of minority children in the juvenile justice system
6. the autonomy of the Office of Juvenile Justice and Delinquency Prevention; the non responsiveness of the Office

Each issue has appeared with regularity in our annual report. Some of these, inappropriate confinement of juveniles and the quality of institutional care, the over-representation of minority children in the juvenile justice system and the lack of effort or dollars directed toward Native American/Native Alaskan juvenile problems have been reported to you in detail.* These issues focus our energies, monies, and creativity. There is enormous frustration in addressing this agenda; enormous pride when we chip away.

Table 2*
Previous Reports

Subject	Report	Year
1. the continued use of inappropriate confinement of juveniles	Looking Back to the Future	1990
	Promises to Keep	1989
	An Act of Empowerment	1987
2. the quality of institutional care for juveniles	Looking Back to the Future	1990
	Promises to Keep	1989
	An Act of Empowerment	1987
3. the lack of community-based programs for anti-social and acting-out children; the lack of nonresidential programs to meet the mental health needs of children and their families	Looking Back to the Future	1990
	Promises to Keep	1989
	A Delicate Balance	1988
	An Act of Empowerment	1987
4. the inadequate funding for Native Americans	Looking Back to the Future	1990
	A Delicate Balance	1988
5. the infancy of the effort to examine and address the over-representation of minority children in the juvenile justice system	Looking Back to the Future	1990
	A Delicate Balance	1988
6. the autonomy of the Office of Juvenile Justice and Delinquency Prevention, the non-responsiveness of the Office	Looking Back to the Future	1990
	Promises to Keep	1989
	A Delicate Balance	1988
	An Act of Empowerment	1987
	Report of the 1986 National State Advisory Group Conference	1986
	The First Report to the President, Congress and the Administrator of the Office of Juvenile Justice and Delinquency Prevention	1986

This frustration is compounded by the unwillingness and inability of the administrative branch (regardless of party or person) to carry-forth the intent and purposes of the Act, resulting in friction and sometimes all out hostility towards the states. Some of the friction is inherent within the structure created by the Act. Although the President of the United States, not the Attorney General, appoints the Administrator of the Office, the Office itself has never had the luxury of independence to carry out the mandates of the Act nor had the freedom to work with the states in a true partnership. Even adequate staff support for training and technical assistance has not been available to carry out the normal activities within the formula grant section. If technical assistance had not been provided by a contractor, there would have been little if any services available to most states.

The Act directs the states to address deinstitutionalization of status offenders and non-offenders, separation, jail removal, and minority over-representation; but it does not require OJJDP to focus on these issues with its discretionary grants or any of its other activities. Only the states are directed by these mandates. Only the states are evaluated on performance in these areas. There is no requirement that the divisions be evaluated in regard to helping the states and localities achieve the objectives stipulated.

Most of the projects and programs, sponsored and funded by divisions outside of formula grants, are tangential to the basic thrust of the Act. Rarely does the Office sponsor, replicate, or disseminate programs that would aid states as they try to fulfill the mandates and intent of the Act. The research that is done to expand the field of knowledge is not distributed to the states in a consistent, useful or timely manner. (In the past, scarce formula grant funds had to be used for the completion of a discretionary research grant when the Office suddenly decided to cut short its commitment to the project.)

This year, for the first time, the OJJDP is not free to hire or transfer personnel nor to set its own funding priorities. Even with strong objections from the Coalition, state agencies, and various advocacy groups in response to the publication in the Federal Register of the areas that OJJDP would fund through its discretionary grants division, the final plan reflected the funding priorities only for the Office of Justice Programs not those required by the mandates, not those of the states, not even those of the Office of Juvenile Justice and Delinquency Prevention. No longer is the Office able to function as the administrative body for the Act.

The frustrations expressed reflect genuine differences about how and where priorities should be set and limited resources should be spent. The problems cannot be resolved by trying to fix blame. They must be addressed by structural and legislative changes that go beyond party and politics in order to end the never-ending strife between the states and the Office, and now the Office and OJP.

The cry for "more cooperation and coordination between the State and Federal government" is identified in our first report.

> The problems and issues that plague the relationship between the States and the Office of Juvenile Justice and Delinquency Prevention are historical and result from the manner in which the legislation is implemented and the politicizing of the Office. The issues about which we are concerned are organizational and structural, as well as individual and political.
> from *THE FIRST REPORT...p.1, 1986*

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If the purposes of the Act are to be carried out in a coordinated manner, then these structural defects must be corrected. The Office must be free to administer the Act. The programs and research funded by the Office must be relevant to the work within the states. The staff positions at OJJDP must be filled; the staff trained in the vision of reform that the Act incorporates; the Office held to a standard that reflects the core of the Act.

Currently, there has been an enormous influx of Federal dollars to the states for law enforcement and drug treatment. Very few of these dollars, if any, reach the children calling out for help. If some of this money, or even the "drug money" allocated under this title (Part D, Sec. 281), was funneled through the state structure that is set up by the Act, these monies, which are currently channeled through the states' departments of education, public health, management and budget, etc., would target our most needy and vulnerable children. Drugs, gangs, violent offenders are a few of the areas that every *state plan* already assesses with a crime analysis and addresses within its grant priorities.

These issues cannot be segregated from the totality; they are part and parcel of an integrated juvenile justice blueprint. I urge you not to fall into the trap that combines juvenile justice priorities with drug priorities; this would continue to keep the focus on law enforcement as opposed to juvenile justice. If the juvenile thrust becomes a subsection of the "drug bills," it will be a prime example of the "tail wagging the dog" instead of the other way around.

Another major area that must be studied is the funding level. Congress must fund the Act at an increased level so that the funding level: 1. reflects an adjustment for inflation; and 2. reaches the critical floor that triggers an increase in the minimum needed by the smaller states. Furthermore, the *pass through money* made available to *Indian tribes* through the formula grants program is inadequate in the amount of dollars and scope of effort. The overall cap in the bill must be significantly raised.

V.
Conclusion

Why has this piece of legislation survived when many others from this era have failed to thrive? The basic principles and philosophy on which the act was formed were formulated over a long period of time from testimony garnered from every segment of society and the juvenile justice academician, philosopher, researcher, and practitioner. The structure created to carry-out these visions insured that the public interest at the local level would be served.

The drafters of this Act managed to inoculate their fervor for change into all the activities mandated so that those of us who carry-out the policy decisions under the Act, those of us who carry-out the administrative activities under the Act, and those of us who carry-out the services and justice for children, would see beyond the acting-out, the antisocial behavior, even the serious and violent crimes of our children. We would see young people who can reclaim and reconstruct their lives.

It has worked. Police departments that placed children in cells now sit with them in the lobby or administrative office until their parents or social service person arrive. Sheriffs no longer confine juveniles to a cell but locate them in a staff-secured holdover room. Judges, deciding to inter a juvenile till trial, may choose a detention center or a staff-secured home instead of a jail. Adjudicated youth can now look forward to a community-based residential treatment center (either secured or nonsecured) rather than a huge state training school.

Programs (such as Michigan's Day Treatment alternative which provides job training and work skills for adjudicated delinquents) have developed and are used by judges as alternatives to residential placements. Sexually abused and abusing children are treated in both residential and nonresidential programs. There are hundreds of examples nationwide. Few states, however, have these choices throughout their urban, suburban, or rural communities. Fewer still have the follow-up and aftercare resources that are needed to prevent recidivism or further penetration into the system.

Although we have not completed our goal from the '70s (DSO), nor our task from the '80s (JRI), we can say, there are useful, successful programs and processes in every state. They need to be duplicated within and among states not undermined by a Federal bureaucracy that believes that juvenile offenders can be punished or coerced into peaceful, productive lives. Neither juveniles nor society are served well by a juvenile justice policy that is primarily reactive and simply punitive. It is not enough to get tough; we must get smart. It is time to invigorate and strengthen a juvenile justice policy based on knowledge rather than political expediency; one that is consistent with the high ideals embedded in the 1974 legislation.

We have begun our agenda for the '90s – disproportional representation of minorities within the juvenile justice system. Once again, we will attempt to have impact on the pervasive and persistent policies and practices that harm our children, our communities, and our nation. Please do not accept the specious argument that you can declare victory and leave the field. You and I have barely begun to reduce crime and improve justice in the juvenile area. Violence continues to be a chilling threat to both society and to our children.

As Aristotle warned, "poverty is the parent of revolution and crime." We know that, "trees, when they are lopped and cut, grow up again and in a short time; but man, being once lost, cannot easily be recovered." (Pericles)

Chairman MARTINEZ. I have several questions for you, Ms. Neiberg, and I thank you for that very fine testimony. We will hear from all of the panelists and then we will ask some questions. I do not want to lose my place, here, but we will go to Dr. Downes next.

STATEMENT OF BETTY A. DOWNES, CHAIR, NEW MEXICO JUVENILE JUSTICE ADVISORY COMMITTEE, SANTA FE, NEW MEXICO

Ms. DOWNES. Mr. Chairman and members of the committee, as the chairperson of the New Mexico Juvenile Justice Advisory Committee appointed by our Governor, Bruce King, I would like to welcome the committee and the other members to our State. New Mexico has made great improvements since the mid-1970's in the manner in which we have handled troubled youth and much of this improvement was made possible through the Juvenile Justice Act.

The act has been a good example of how a Federal program can encourage States to implement reforms with limited Federal financial assistance while still recognizing that most of the responsibility for the juvenile justice rests within the States.

The act has certainly helped us remove most status offenders from secure detention and into non-secure alternatives, although we are still struggling to meet the needs of the chronic status offender population. We have passed State legislation prohibiting secured detention of children in need of supervision and have provided State funds for sheltered programs for these youth. The act has also helped our State to separate juveniles from adults in detention and to divert many youth from secured detention in adult jails.

Many innovative delinquency programs were started in New Mexico with the juvenile justice assistance and have continued to provide services under other permanent funding sources. Our State advisory group clearly supports the Juvenile Justice Act and the improvements that it has fostered. What distinguishes New Mexico is that we are one of the States not in full compliance with the jail removal requirements of the act and we are entering our third and final waiver year, the discretion given by the Administrator to waive termination of the State's participation in the act. We are faced with problems regarding compliance that are inherent to large, sparsely-populated rural areas. For example, transporting of a juvenile to the nearest separate juvenile detention center may be inadvisable due to the great distances involved, yet his or her county is so rural and poor that it cannot afford a totally separate free-standing detention facility for juveniles complete with adequate recreational, educational and medical facilities.

We believe there is more than one avenue or one strategy to reach the goal established by Congress for removal of juveniles from adult jails. Until recently one particular strategy seems to have been adopted as a goal itself rather than been seen as a strategy for achieving the goal. New Mexico believes that there needs to be some flexibility given to the States to allow us to choose for ourselves the best approach and the best strategy to achieve the goals set by Congress. Congress should provide for this type of flexibility especially for large rural States like ours and without it, several States will simply never come into full compliance and will be terminated under the act.

I would like to briefly describe New Mexico's approach to reaching the goals set by Congress. We are funding non-secure alternatives to detention in an effort to remove youth from adult jails. For these youth who do require secured detention, we are working very hard to upgrade the quality of detention services to these youth. The State has recently developed through a cooperate effort among counties, the State Youth Authority, our advisory group and the American Correctional Association, a set of juvenile detention facilities standards which help to assure high quality care within detention. This includes facility plans, policies and procedures to guaranty the youth are not held in adult detention areas and have no contact with them.

The standards, which are patterned after current national standards, provide for a range of services for youth while in detention. These standards are a major step forward for New Mexico and by State law, facilities must comply with the standards in order to detain youth. Another component of our strategy is State of the art specialized training for juvenile detention officers who are then certified by the State. In addition, the Youth Authority with the help of our advisory group, is expanding its efforts to monitor and assist local detention facilities. These are all major improvements in our State which will help us significantly in out efforts to comply with the act.

Some of these elements of our strategy may work in other large rural States and some may not, but the key is that we selected this particular approach as the one best suited in our State and we are making good faith effort to reach the goals established by Congress. Our advisory group welcomes the willingness of the Office of Juvenile Justice and Delinquency Prevention to work with the States to allow us to develop our own strategies to meet the goals of the act.

They recently issued Policy Number 91-1401 regarding jail removal, which establishes a minimum compliance level States must adhere to. It gives certain States the flexibility to exceed this minimum level of services for juveniles in detention in whichever manner best suits them. We believe that the office is listening to States in a partnership effort and is providing needed administrative flexibility, yet all the while they are monitoring us and holding us accountable for compliance with the goals set forth by Congress, and we applaud their leadership in doing so.

In closing, I would like to reiterate that our geographically large rural State, New Mexico, is working hard to reach the goals established by Congress and set forth in the act. Although we are not in full compliance yet, we are making exciting progress through collaborative efforts throughout our State. We urge Congress to reauthorize the act and provide States with as much as their own flexibility to continue progress and achieve compliance with the goals. Thank you for the opportunity to discuss this with you. I would be pleased to answer any questions you might have.

[The prepared statement of Betty A. Downes follows:]

STATEMENT OF BETTY A. DOWNES, PH.D., CHAIRPERSON, NEW MEXICO JUVENILE JUSTICE ADVISORY COMMITTEE

As the Chairperson of the New Mexico Juvenile Justice Advisory Committee, appointed by Governor Bruce King, I also wish to welcome the committee and others to our State.

New Mexico has made great improvements since the mid 1970's in the manner in which we handle troubled youth, and much of this improvement was made possible through the JJDP Act. The act has been a good example of how a Federal program can encourage States to implement reforms, with limited Federal financial assistance, while still recognizing that most of the responsibility for juvenile justice rests with the States.

The act has certainly helped us remove most status offenders from secure detention and into non-secure alternatives, although we are still struggling to meet the needs of the chronic status-offender population. We have passed State legislation prohibiting secure detention of Children In Need of Supervision, and have provided State funds for shelter programs for these youth. The act has also helped our State to separate juveniles from adults in detention, and to divert many youth from secure detention in adult jails. Many innovative delinquency prevention programs were started in New Mexico with JJDP assistance and have continued to provide services under other permanent funding sources.

Our State advisory group clearly supports the JJDP Act and the improvements it has fostered. What distinguishes New Mexico is that we are one of the States not in full compliance with the jail removal requirement of the act, and we are entering our third and final waiver year (the discretion given to the Administrator to waive termination of a State's participation in the act). We are faced with problems regarding compliance that are inherent to large, sparsely populated rural States. For example, transportation of a youth to the nearest separate juvenile detention center may be inadvisable due to the great distances involved, yet his or her own county is so rural and poor that it cannot afford a totally separate, free-standing detention facility for juveniles, complete with adequate recreational, educational and medical services. We believe there is more than one avenue or one strategy to reach the goal established by Congress for removal of juveniles from adult jails. Unfortunately, one particular strategy seems to have been adopted as the goal itself, rather than being seen as a strategy for achieving the goal. New Mexico believes that there needs to be some flexibility given to the States to allow us to choose for ourselves the best approach and the best strategy to achieve the goal set by Congress. Congress should provide for this type of flexibility, especially for large, rural States like ours. Without this flexibility, several States will simply never come into full compliance and will be terminated from the act. I would like to briefly describe New Mexico's approach to reaching the goal set by Congress. We are funding non-secure alternatives to detention in an effort to remove youth from adult jails. For these youth who do require secure detention, we are working very hard to upgrade the quality of detention services to these youth. The State has recently developed, through a cooperative effort among counties, the State Youth Authority, our SAG, and the American Correctional Association, a set of juvenile detention facility standards which help to ensure high quality care while in detention. This includes facility plans, policies and procedures to guarantee that youth are not held in the adult detention area and have no contact with them. The standards, which are patterned after current national standards, provide for a range of services for youth while in detention. These standards are a major step forward for New Mexico, and by State law, facilities must comply with the standards in order to detain youth. Another component of our strategy is to provide state-of-the-art, specialized training for juvenile detention officers, who are then certified by the State. In addition, the State Youth Authority, with help from the SAG, is expanding its efforts to monitor and assist local detention facilities. These are all major improvements in our State which will help us significantly in our efforts to comply with the act. Some of these elements of our strategy may work in other large, rural States, and some may not, but the key is that we selected this approach as the one best suited to our State, and we are making a good faith effort to reach the goals established by Congress.

Our SAG welcomes the willingness of the Office of Juvenile Justice and Delinquency Prevention to work with States to allow us to develop our own strategies to meet the goals of the act. They recently issued Policy Number 91-1401 regarding jail removal which establishes a minimum compliance level States must adhere to, yet certainly gives States the flexibility to exceed this minimum level of service for juveniles in detention in whatever manner best suits the State. We believe the Office is listening to the States in a partnership effort, and is providing needed ad-

ministrative flexibility, yet all the while they are monitoring us and holding us accountable for compliance with the goals set forth by Congress. We applaud the Office for the leadership they have demonstrated in this effort.

In closing, I would like to reiterate that our geographically large, rural State of New Mexico is working very hard to reach the goals established by Congress in the JJDP Act, and although we are not in full compliance yet, we are making major exciting progress through collaborative efforts within the State. We urge Congress to reauthorize the JJDP Act and provide States such as ours with the flexibility to continue this progress and to achieve compliance with your goals. Thank you for the opportunity to discuss this with you, and I will be pleased to answer any questions you might have.

Chairman MARTINEZ. Thank you, Dr. Downes. Mr. Martinez.

STATEMENT OF ORLANDO MARTINEZ, ASSOCIATE DIRECTOR, FAMILY AND CHILDREN SERVICES, DEPARTMENT OF INSTITUTIONS, DENVER, COLORADO

Mr. O. MARTINEZ. Mr. Martinez, thank you very much for the opportunity to be able to address you today and your staff. I have just been recently appointed associate director for Family and Children for the Colorado Department of Institutions. Up until September 1st and since 1975 I was director of the Youth Corrections Systems in our State, so I come with two hats today to talk to you about the juvenile correctional side and also some of the exciting things that I think we will be doing as far as families and children on the other side.

I will try to confine my remarks to the future of the Juvenile Justice and Delinquency Prevention Act rather that dwell on the past. I want to tell you that Colorado is in compliance. We have removed kids from jails. We occasionally have some in there and status offenders have been reduced in our secure lock-ups. And that has been done through the hard work and dedication and the stubbornness of the people that have been involved in the act. And as you know, there are very few advocates for children, particularly those who are acting out, so they have had their job cut out for them.

Another reason, too, Mr. Martinez, is that former U.S. Representative Ray Kogovsek sponsored the first amendment regarding the jail removal in the act and Mr. Kogovsek is from a town very near where apparently you are from and where I am from is Pueblo, Colorado. So that is another added interest on our side that we want to be involved in the removal of juveniles.

Let me kind of frame what has happened in our State to kind of conclude with some of the remarks that I have. In 1985 our Colorado Division Youth Services, our youth correctional system, began a process to balance our system and to reduce the over-reliance on secure lock-up in State institutions. And the result has been that we have a very good system of classification of kids that come into our system based on risk. And it has allowed us some options and to be able to place them appropriately. In addition to that we have developed some very brand new facilities. The cost of those facilities averages out to somewhere between $80,000 to $85,000 per bed.

The operational costs are about $150 per day. They are fine programs. We do very well with our youth in those facilities. That is our maximum facility. And when I mean maximum, I mean just that. We have the 16 foot fences surrounding all of our facilities.

We also have developed some intermediate care facilities. These are primarily contracted facilities in the community that security is provided by extensive programming and by staff, additional staff. So these staff secured community programs actually are able to work with these kids who before had been placed in secured facilities.

The third level we have is really the community-based correctional option which is a non-secure program that we operate in Colorado. And it ranges anywhere from home detention, electronic monitoring, intensive tracking, tracker plus and these kinds of programs. And to be honest with you, I think if you look at our programs they are very attractive and it is a very well-balanced system. There is one problem however, that we are significantly over-crowded and we have been since we made the change. It is almost like money attracts kids. And they seem to end up where the resources are located.

And I will give you an example of what the cost would be. Between fiscal year 1984 and 1985 and fiscal year 1989 and 1990, the average daily population in detention in Colorado increased 69 percent and the average population of committed kids to training schools increased 14 percent. During that same period of time there was no increase in the population of juveniles at risk in the community, ages 10 through 17.

So we tried to look at the issue as to where these kids were coming from and one of the first things that struck us was the socioeconomic changes that have occurred. We found that there has been an 8½ percent increase in the proportion of children living below poverty level. There has been a 61 percent increase in the number of female head of household families coupled with 144 percent increase in the number of these families living below the poverty level. Additionally, States' spending to help poor children has also declined; it has not kept up with the cost of living.

The County Municipal League conducted a study where they compared 1978 and 1988 and they found that Federal and State aid to municipalities decreased by 83 percent and 23 percent respectively. In addition to that, the Children's Defense Fund indicates that there has been a $10 billion Federal cut in programs to help poor children over the past decade.

In essence, what we have is we have deteriorating socioeconomic conditions and declining funds for special programs for kids that are at risk, in other words, those safety nets that used to exist out there in the schools and social service agencies and private agencies no longer exist. And as a result these kids are really falling through that safety net and ending up in a very expensive setting. And although they may be designed well, they operate well, the result is that we may not be doing as much for children than we ought to be doing.

Probably the ones most impacted by this are minorities because they tend to be impacted more by these kinds of conditions. And let me just run by some numbers for you to indicate the impact, at least in Colorado. If you look at juvenile population, detention admissions and new commitments for fiscal year 1986 and fiscal year 1990, the general population for Anglos increased 6 percent. Detention admissions during that same period of time for the Anglo kids

increased 12 percent and new commitments to training schools increased by 1 percent.

Black youth increased 5 percent in the general population and detention admissions increased by 52 percent and new commitments to training schools increased by 63 percent. Hispanics, the general population increased 6 percent and detention admission 32 percent and new commitments to training schools 37 percent, a substantial increase of minority kids and a disproportionate increase in minority kids coming into the system.

And it is almost like if you want to predict the number of beds that you need in a correctional system, one of the things you look at is the minority population in your community. That is not to say the minorities commit more crimes than non-minorities, but it seems that they serve as a proxy for some of the problems in our world today: lack of educational opportunity, employment issues, income issues that do exist.

Another impact we felt with increases was the get tough on crime orientation that had been existing in the adult criminal area. And it certainly has had an impact on the juvenile system as well. In Colorado the overall crime rate decreased 2½ percent during fiscal year 1985 and fiscal year 1990 although there has been a substantial increase that I indicated to you in commitments and detentions in our State.

However, more interestingly is that 61 percent increase in commitments for property misdemeanor crimes, and I believe that might reflect our get tough on crime attitudes and overall there has been 10 percent increase in youths committed on misdemeanor offenses in Colorado. So the picture basically is that crime had declined during the period of time and what we saw in juvenile institutions in Colorado was an increase of kids coming into the system for misdemeanor or lighter weight kinds of offenses into our system.

Another impact, of course, has been the war on drugs. In 1988 the Anti-drug Act established Federal funding and massive amounts of money coming in to fight drugs and gangs. Extensive research has been done since then. The impact in Colorado, and I will give you some numbers again if you will bear with me, between December 1988 and February 1991, active cases on the Denver Police Department Urban Street Crime Bureau Data Base increased from 631 to 3,308. Gang-related police contacts increased from 2,526 to 8,198 between 1989 and 1990. And arrests increased from 689 to 2,715.

Now, while the majority of these contacts were adults, we estimate that at least 20 percent of those were juvenile and it is very clear that the dramatic increases are because of more gangs, but also because our intent it to try to intervene in gang activity. Well, how we are trying to address it in Colorado is to begin to look at different ways of doing business. Our legislature this past session, the 1991 session, enacted Senate Bill 94. Senate Bill 94 basically makes the statement that the way we fund programs discourages the appropriate placement of some of our children.

Sometimes it is more of an incentive to commit or detain a youth than to keep him in a less expensive and more appropriate kind of community placement. And as a result of that, Senate Bill 94 sets

up three basic requirements. One is that the directors of the Department of Institution, Social Services and the Judicial Department establish criteria that would specify those children eligible for out of home placement in the Department of Social Services or detention in the Department of Institution facilities or commitment to training schools.

The second option of that bill is that there be established a juvenile justice fund and that fund is to go into effect on July 1, 1993. This fund is to be provided with some flexibility to counties to serve those youth that do not meet that kind of criteria and to keep them in their home community. The third aspect is sort of a double hit. What it says essentially is that if those counties elect to place the teen or commit the youth that does not meet those activities, they are to pay the State agency for the cost of that placement. So, it is a negative impact on those counties.

I think that that might have some sort of effect on how we deal with kids in Colorado. The second option we are doing is that it is very clear to us that we are going to continue to be criticized for some of our efforts in working with families and children. The major criticism is that agencies are double-funding or overlapping in services to families. They are not integrated. And that we are putting all of our money in that expensive back and not enough on that early end, on that preventative end.

So if there is anything that I would recommend to this committee in conclusion, Mr. Martinez, is that I think that it is time that we began to do business differently. That there should be a requirement of inter-agency collaboration, that agencies ought to go together, and rather than the fragmented services we now provide and that we recognize that the family is the best institution and that we ought to support the family and put out resources and effort in that direction. I think that is the only way we are going to be able to stem this tide of children and adolescents coming into our system that are eating up all of our resources.

Understandably, I think that the Federal role is to allow some of these resources to be used in that fashion and, of course, obviously there needs to be some increases in this area. To what amount, I am not sure. I do not know what is realistic, but I do know that cutting back on services to these kids is not a good idea. Thank you very much, Mr. Martinez.

[The prepared statement of Orlando Martinez follows:]

SUBCOMMITTEE ON HUMAN RESOURSES
Santa Fe, NewMexico
September 27, 1991

Testimony presented by: Orlando L Martinez, Associate Director for Family and Children Services, Colorado Department of Institutions.

Thank you Representative Matthew Martinez for inviting me to present testimony regarding the Juvenile Justice and Delinquency Prevention Act of 1974. I will confine my remarks to the future of Juvenile Justice and Delinquency Prevention for my allotted time rather than to dwell on the past since Colorado has met the mandates of the Act regarding Removal of Juveniles from adult jails and reducing the number of status offenders held in secure facilities. As you know Colorado has a commitment to Jail Removal for several reasons including the fact that a former U.S. Representative from Colorado, Ray Kogovsek, sponsored the amendment to the Act requiring removal of juveniles from adult jails.

I will add that attaining removal from adult jails and removal of status offenders has resulted from hard work of many dedicated people in our state.

In 1985, the Colorado Division of Youth Services, the state's youth correctional system, began a major shift from over reliance on secure training schools and embarked on the development of a balanced approach to juvenile correctional services that included an array of services more appropriate to the assessed needs of juveniles commited to the Division. These services include institutions that can be described as maximum secure facilities, intermediate care programs that are staff secure community programs and non-secure community-based correctional programs. A new risk assessment instrument to determine placement based on the security needs of the juvenile and a case management system were implemented. This balanced system has allowed Colorado to improve community safety through better programing, however, we now find ourselves experiencing significant overcrowding in all of our programs.

Between FY 1984-85 and FY 1989-90, the average daily population in detention increased 69 percent and the average population of committed youths increased 14 percent. During a similar time period (between calendar years 1984-1989), there was no increase in the population of juveniles between 10 and 17 years of age in Colorado, and the overall crime rate declined slightly.

Careful analysis of these changes strongly suggest many influences.

SOCIO-ECONOMIC CHANGES

There has been an 8.5 percent increase in the proportion of children living below poverty level (from 11.5 percent to 20 percent, and an 84 percent increase in the actual number of children living below the poverty level (from 91,295 to 168,260).

There has been a 61 percent increase in the number of female head-of-household families (from 60,700 to 97,925) coupled with a 144 percent increase in the number of these families living below the poverty level (from 22,353 to 54,584).

State spending to help poor children has not kept up with the cost of living. In addition, between 1978 and 1988, federal and state aid to municipalities decreased by 83 percent and 23 percent respectively. Nationally, there has been a $10 billion federal cut in programs to help poor children over the past decade according to the Children's Defense fund. Thus, deteriorating socio-economic conditions and declining funds for special programs for children are evident. Similar reductions have occurred in diversion programs for troubled juveniles in Colorado. Funds for such programs dropped from approximately $1.8 million to $616,000 after FY'87. While these funds have subsequently increased to about $954,000, they are still well below earlier figures. Similarly, the number of juveniles served in diversion programs dropped from approximately 5000 to3200 over the past five years. In essence, special programs directed towad prevention and intervention of problems related to future and current delinquent behavior have declined.

It should be noted that minorities are often most affected by poor socio-economic conditions. Recent national figures indicate that 44 percent of Black children, 38 percent of Hispanic children and 16 percent of Anglo children live in poverty. The number of minority youths entering Colorado detention centers and training schools have increased at a faster rate than the number of Anglos.

JUVENILE POPULATION, DETENTION ADMISSIONS AND NEW COMMITMENTS

Percent Change - FY'86 to FY'90

	Population	Detention Admissions	New Commitments
Anglos	6%	12%	1%
Blacks	5%	52%	63%
Hispanics	6%	32%	37%

"GET TOUGH ON CRIME'

A "Get tough on crime" orientation toward treatment of criminal behavior was witnessed in the adult system over the past decade, and has become evident in the juvenile system as well. While the overall crime rate in Colorado declined 2-1/2 percent between FY'85 and FY'90, there were substantial increases in the number of juvenile commitments, the number of mandatory sentences, and the average minimum sentence lengths imposed on mandatory sentences. An increase in commitments for person felony offenses is not surprising given the

increase in crime rate for violent crimes. However, the 61 percent increase in commitments for property misdemeanor crimes may reflect the "get tough on crime" sentiment. Overall, there has been a 103 percent increase in youths committed on misdemeanor offenses in Colorado.

WAR ON DRUGS AND GANGS

In 1988, the Anti-Drug Act established funding at the federal level to encourage various agencies to get involved in the prevention, intervention and treatment of drug and alcohol related problems. The late 1970's and early 1980's witnessed increased studies aimed at identifying the incidence of drug and alcohol use among adolescents. These studies were followed by investigations into the relationship between drug use/abuse and delinquent behavior.

In Colorado, two gang computer databases have been established in the Denver Metropolitan area. Between December 1988 and February 1991, active cases on the DPD Urban Street Crime Bureau database increased from 635 to 3,308. In addition, gang-related police contacts increased from 2,526 to 8,198 between 1989 and 1990 and arrests from 698 to 2,715. While the majority of these contacts and arrests involve adults, an estimated 20% involve juveniles. These dramatic increases are most likely due to a combination of increasing gang activity and enhanced efforts toward identifying and documenting gang members in the Denver area.

FUTURE DIRECTIONS FOR COLORADO

Given the issues of increased overcrowding in all programs and reduced funding, the Colorado General Assembly in the 1991 Session enacted SB 94. The basic philosophy statement of SB 94 is that the current system of funding services and programs for youth can discourage use of the most appropriate placement and that there is a state need to consider local options and early intervention as alternatives to expensive building and maintenance of facilities.

Three Basic Principles of SB 94

1. Develop and implement statewide criteria for determining which juvenile offenders are appropriate for placement in the Division of Youth Services or in the Department of Social Services.
2. Creates juvenile services fund and establishes a formula for allocating moneys in the fund to local governments to encourage development of alternative local programs. Money from the fund is intended to provide incentive to local governments to keep youth who do not meet the criteria out of state placement.
3. After July 1, 1993, a county may refer for placement in DYS or DSS any youth who meets the criteria established. For any youth referred to the state for placement who does not meet criteria, the referring county must pay to the repective state agency a per diem for such juvenile.

While Colorado has made major investments (both in policy and funding) in services to children and their families, our efforts have been criticized as:

1. Being fragmented between a number of state agencies, with confused lines of reponsibilities as well as major gaps in juridiction, 2. Being incomplete statewide with a number of counties having full range of services, while others have minimal services, and 3. Spending a high proportion of available public funds for out-of-home care rather than on preventive services designed to support permanency for children.

It is clear that the Juvenile Justice and Delinquency Prevention Act must be concerned with public protection mandates. It is also equally clear that we need to change the way we do business if we are to ever manage our limited resources and stem the tide of children ending up in correctional institutions. A good first step is require interagency collaboration (not cooperation or coordination) and to recognize that the primary goal of services to children should be to strengthen family life. Accordingly, services should be delivered in the context of the child's family whenever consistent with the well-being of the child.

Chairman MARTINEZ. Thank you, Mr. Martinez. Mr. Prince.

STATEMENT OF DAN PRINCE, CHIEF OF PLANNING, DIVISION OF CHILDREN AND FAMILIES, DEPARTMENT OF HUMAN RESOURCES, STATE OF NEVADA, CARSON CITY, NEVADA

Mr. PRINCE. Good morning, Mr. Chairman and staff members. I am Dan Prince. I am the juvenile justice specialist from the State of Nevada and as you are aware, Mr. Chairman, juvenile justice specialists, each State possessing one of us, are kind of like the mechanics of the Juvenile Justice Act. You have the National Coalition folks and you have the State advisory group members and you have your contracted people that are involved in monitoring and data collection.

The juvenile justice specialists, on a day-to-day basis, are responsible for the operation of the act in a particular State. And I felt that it would be important to have some of our perspective at this hearing. And I thank you for the opportunity.

Nevada has been a participating State in the act only since 1987. We are a relative late-comer. However, we have made significant progress, particularly in the area of jail removal where we have managed to completely eliminate the jailing of juveniles in adult facilities. We have also achieved significant progress towards the deinstitutionalization of status offenders and hopefully, within the next year we will achieve if not complete compliance, substantial compliance is DSO. All of this success would not be possible without the formative grant funds that Congress has appropriated and administered and passed to the States through the Justice Department. They are an absolutely integral part of our success and I would imagine the success of most of the other States.

We feel, along those lines, that the Justice Department should remain the Federal agency charged with administration and oversight of the act. To go into an area where traditionally jails have been used to detain children, young adults, and tell them, explain to them that we have a mandate from for instance the Health and Human Services Division does not carry the same weight that being able to rely on the Justice Department's backing does. It has been very important for us.

We are recommending that the function stay with the Justice Department in administering the act. Our Governor's State Juvenile Justice Advisory Group has provided the leadership and vision that has been necessary to carry out the mandates of the act in our State. They have worked closely with the counties and with the jails in providing the kind of influence that is necessary to help these folks realize that there are alternatives. And we support in Nevada the continued funding of all State advisory groups and we are particularly grateful that the office has seen fit to fund the National Coalition's office in Washington which we feel has resulted in some significant improvements in communication and professionalism towards serving the State staffs.

With respect to the funding levels for the formula grants, rather than change, or relax, the rules involving some of the standards, we feel that in those States where we have large distance factors, and Nevada is one of those, that an increase in the base allocation

would be sufficient for us to provide more alternatives in those outlying areas. We are not in favor of relaxing the standards in Nevada, but we are in favor, very strong favor, of seeing a support in the base allocation for States, particular western States that have these geographic issues.

You asked, Mr. Chairman, for some examples of innovative programs on the prevention end, on the front end, that some of the folks here have already made mention of, and that this money that we receive has assisted. And I would like to highlight this morning for you a program out of Reno, Nevada called the status offender invention program, specifically the truancy project. I have provided some brochures for you.

In the old days, in Reno and other cities in Nevada, it was common for the police to pick up truants and deliver them to either the jail or the juvenile detention center. We have funded a program over the last couple of years that has provided an opportunity for police, instead of taking truants directly to jails or detention centers, to take them to a reception center which is operated by the Children's Cabinet. And in this facility as a child is brought in off the street during school hours, they are met by a team, an inter-agency team, of professionals representing all of the different agencies who work with truants in the juvenile justice end and social service field.

That child will be greeted by a member of the Juvenile Probation Department, a person from the Welfare Office, who will look at possible abuse or neglect issues, an individual from a mental health agency, who will provide crisis intervention if necessary, a representative from the school district, who will look at that child's past performance in school. And all of these folks will then staff this young man or young woman while he or she waits in an office. They will determine some immediate form of response such as either returning the child to school with a follow-up appointment with the parents or, perhaps, if the situation is more serious, a home visit by a welfare person to look at possible issues within the family.

And they will institute after-school tutoring for that child. It is a multi-disciplinary approach. We feel it is a program that has worked extremely well. My understanding from the Reno police is that daytime burglary rates have been cut dramatically in Reno because of the ability of the police to pick these truants up and deliver them to a place where they are going to receive immediate service rather than sitting in a jail cell. So I cite that as an example of an innovative program in our State.

I appreciate the opportunity to present testimony to you and I will be glad to answer any questions you might have.

[The prepared statement of Dan Prince follows:]

STATEMENT OF DAN PRINCE, CHIEF OF PLANNING, DIVISION OF CHILDREN AND FAMILIES, DEPARTMENT OF HUMAN RESOURCES, CARSON CITY, NV

Nevada has been a participating State under the Juvenile Justice and Delinquency Prevention Act since 1987. Despite this relatively late entry, Nevada has achieved full compliance with the jail removal and sight and sound separation provisions, and made significant progress toward the deinstitutionalization of status offenders (DSO). In 1987, 369 jail removal violations were recorded. In the past year,

these have been reduced to zero. D.S.O. violations fell from 1,296 in 1987 to 228 in 1990.

The formula grant monies allocated to programs in Nevada have been an essential part of our success. Of equal importance is the ongoing technical assistance provided by OJJDP to the State of Nevada. We believe that the Justice Department is the appropriate Federal agency to administer the JJDP Act; staff knowledge of the often complex provisions and experience in providing oversight to the States cannot be overstated.

Our Governor's State Juvenile Justice Advisory Group has provided the leadership and vision necessary to carry out the mandates of the JJDP Act. We strongly support continued funding by Congress for the State SAG's mandated by the act, as well as the National Coalition office in Washington.With respect to State formula grant funding levels, Nevada recommends an increase in the base allocation to compensate for the large distance factors encountered in our rural areas when the transporting of juveniles to appropriate facilities must be effected. We believe an increase in base allocation is preferable to any relaxation of standards, so as to not compromise the original intent of the act.

Congressionally appropriated formula grant funds under the JJDP Act have been utilized in Nevada to provide start-up monies for a number of worthwhile prevention and early-intervention programs. Among those in our State, the Status Offender Intervention Program (Reno, NV) has achieved national recognition for its coordinated interagency approach to dealing with truancy. The parent agency, Children's Cabinet, is a unique public-private partnership dedicated to family preservation. Nevada shares with other States and the National Coalition the basic premise that juveniles should not be held in adult jails and that non-criminal offenders and their families should be offered community based alternatives to detention. To that end, we endorse the reauthorization of the Juvenile Justice and Delinquency Prevention Act in 1992.

Chairman MARTINEZ. Thank you, Mr. Prince. Well, as I have been sitting here I have been thinking of questions I wanted to ask and my staff has been handing me all kinds of questions.

Basically, let me just reflect and, you know, we all reflect from our own personal experiences, I guess, but when you look at the amount of money, Mr. Martinez, you talked about the increase in people living below the poverty level, and its correlation with the increased incidents of juveniles. I have a very good sense of this parallel because where I grew up in L.A. many of the problems that the juveniles had with the law and everybody else and the schools really was a direct result of the economic conditions they were living in.

And while you were talking, Mr. Prince, I was thinking about truancy. I was actually picked up for truancy. And I remember one of the kids in that group who instigated the whole thing and what he said. I am going to paraphrase what he said, but he said, "You know school is too hard; it is too much work." He says, "And why should I sit in school and look like an idiot and be berated there by the teachers, especially when I do not know what is going on, when I can get out here and do something and have fun even if it is breaking into a home?"

And there is a lot of young people that feel that way, and other kinds of variations of that thought. And the assessment that you talked about, I would like to know more about how you assess people to know where the best placement is because that is something we do not know. You said the Justice Department was the best place to have jurisdiction of this program. I am not sure. I mean, they have not provided the leadership that they should have provided or the type of assistance they should. They have not really taken charge.

We heard testimony that even right now where the authorities come from are politicized. That is the one problem and frustration that I have had since I have been, the 10 years I have been in Congress is that so much of it becomes politicized by the people that are appointed to those positions who think that they should carry out the mandate of the administration rather than the mandate of the act or the law itself.

A good example is, as you mentioned, Edwin Meese on affirmative action. He feels it is reverse discrimination. That may be his personal feeling, but as chief of law enforcement of this country he has no business interpreting that into policy, which is what happens. And so it depends who is sitting there: their political philosophy is what happens in the administration of the law, which that was never intended.

When I first came to Congress there was a gentleman, Donovan, who was Secretary of Labor. I have never seen anybody subvert the law and regulations as that man, the first time in the history of the country because the Department of Labor, generally the people that were appointed there were dealing with labor law and the interpretation of that law. And he did not carry out the administration's philosophy, but over the past 8 years or the 10 years I have been there, most of them under Reagan, I have seen the deterioration of people that were appointed. They are deteriorating the intent of the law and what is meant.

You know, JJDPA was originally getting $300 million and now only receives $75 million. Now who does that hurt? You talk about the safety net. Is that a safety net that our President, the past administration, promised, the safety net that he promised in his election campaign but never carried out because everything went for defense? And there are people in the Federal Government now that believe that the only reason the Federal Government exists at all is for defense. They have said it says so in the Constitution.

We are talking about the Preamble, but does it not say, "To promote the general welfare?" And these are programs that promote the general welfare. And I guess I got off sounding off on some of my own frustrations because you have stirred that in me, but as we look at this program, we want to look to you to find ways to improve it. This first panel has already given us some real great ideas. Let me ask you if you believe that the existence that the Justice Department should administer this program, tell me, and I would like to hear from each of you, tell me what can we do, in the law, to make sure that they live up to their mandate, carrying out the mandate of act itself?

Ms. NEIBERG. The Coalition has also gone on record as wanting to keep it in the Department of Justice for many of the reasons that Mr. Prince spoke of, and that is that it provides us with the authority and the club that we need within the State. However, I identified what has not been working. One of the reasons it has not been working is the office has never been given the independent status that it needs, and that is in the act.

It currently sits under OJP at this point in time, and I have to say this is new. But at this point in time, OJP is actually the office that is even setting priorities for the discretionary grants. One of the things I have provided for the committee is the notebook. And

in this notebook you will see that this year in the Federal Register it actually says that the OJJDP discretionary grants will carry out the priorities of OJP.

Now, of course, that does not reflect either the act nor the stipulations.

Chairman MARTINEZ. That is what I was just going to say. Those discretionary monies really should be to carry out the mandate of the law.

Ms. NEIBERG. That is correct.

Chairman MARTINEZ. Well, that is something that we need to take a real good look at, how we provide language in the law to deal with that.

Ms. NEIBERG. Yes, we need your help.

Chairman MARTINEZ. Thank you. Incidently, while you were speaking, one of the best quotes I have heard and it really struck home with what I just said earlier about poverty. You have in the last sentence of your testimony but you did not say it. I think I ought to read it for the people here. "As Aristotle warned that poverty is the parent of revolution and crime." So true. I was once offended by a State legislator, Walter Dragen, who said, and I think he was trying say this same thing but he did not phrase it well. He said, "All poor people are crooks."

I was terribly offended because I said, "You know, I know a lot of poor people that have never stolen as much as a penny." They would rather cut their arm off than steal or do anything dishonest. And so I was offended. But I now understand what he was trying to say. He must have read this and you did it exactly as it was. Also the last sentence which I think we need to carry the message back to my colleagues, "Trees that are lopped and cut grow up again in a very short time but man, being once lost, cannot easily be recovered." And when you talk about man, you think of it in terms of our young people. If we lose them at an early age, then you will probably curtail a fruitful life. I just wanted to say that.

But here again, we will need to look at that that you are saying in trying to draft language so that we can do something about that. All of you have addressed the final issues confronting the system regarding the desperate impact on juvenile detention on minority youth. But what specifically do you recommend to tackle this problem head on? I realize that it is a complex social problem but what can the juvenile system do to solve that particular problem? And here again, I had asked to hear from each of you on whether the Justice Department should—maybe I ought to continue that before I ask my next question. Mr. Martinez, do you have a reflection on that?

Mr. O. MARTINEZ. On the funding?

Chairman MARTINEZ. Or do you agree with what we should do to make the Justice Department carry out its mandate?

Mr. O. MARTINEZ. I certainly could not disagree. I guess my concern is that it seems that mandated coordination had not worked because I keep on hearing about things needing to be coordinated in Washington and I see no results of that at least on a community level.

Chairman MARTINEZ. Well, I like your word collaboration, which is a stronger word.

Mr. O. MARTINEZ. Yes, collaboration to me means we are going to share responsibility and we are going to share resources; we are going to do all these things rather than just coordinate and cooperate. The collaboration, I think, is a very important piece of whatever we do. If it can be done in this fashion, then I would certainly support that notion.

The other one is that I think there has to be some flexibility. And you talk about how we can impact minority youth. Sometimes by the way we categorically fund and implement programs, it really ends up as being very much of a disincentive for agencies to come in and do some of the work that is very necessary with minority kids.

If you look at a school, for example, if a child is having trouble in that school setting and they have parental support, that parent will intervene for that kid in that school. If the kid happens to be a very bright kid like you were and you belonged to the Honor Society, that kind of a notion, why, you know, the teachers intervene. If you happen to be a jock, the coaches intervene for you. But our kids are not committed. They are not jocks. They are not in the Honor Society. They do not have that kind of parental support, but yet we tend to fund in that area. We tend to fund in those kind of categories, when, in fact, what we need to do is have more flexibility.

And I think, you know, that would be a good beginning in impacting the minority youth.

Chairman MARTINEZ. Ms. Neiberg?

Ms. NEIBERG. I think we have made a good start on it in the sense that it has been up to each State to assess what is going on in the State and I can speak to you as chair of Michigan. We actually used three-quarters of last year's grant to address this issue in a two-part way; one, was a blue ribbon panel and one was staffing them with a Department of Criminal Justice and Urban Affairs from Michigan State University.

And what they are doing is they are doing both research around the State and collecting hard data, but they are also going around the State having hearings and collecting what people have to say who are being hit by the issues; the lack of services, the non-caring, the being ignored, the expressways that cut between neighborhoods, the young women that are picked off the street just because it is late and they are young, young boys that are picked up. So that I am not sure that in most States they can tell you what to do about it yet, but I think what is important is every State has had to look and are in the process of looking.

Now, once we look and we see where you can impact on the system and what programs need to be there is when the crunch is going to come. Yes, you will have formula grants in order to put out to do that programming but you cannot start to do the kind of programming on $325,000, $1 million. You know, our States do not get any money.

And we are not talking about being the Department of Social Services. I am not advocating that. But what I am talking about is to even do the kind of seed programs, the kind of innovative programs, because you know if you take enough risks lots of programs do not work. You have to be clear to try enough things with our

young people to come up with the gems. And the only way you can do that is with our formula grants money. We do not have to account to the legislature or to the Governor's office even and saying why this did not work.

As 21 people we look and say, "This did not work," and we go on to the next. You cut your loss; you go on. It is a very flexible program. And in that sense it is a very positive program, but there is a difference between flexibility of process and flexibility of mandates.

Chairman MARTINEZ. Mr. Martinez?

Mr. O. MARTINEZ. Mr. Martinez, I served on a committee or a group with the National Juvenile and Family Court Judges recently on looking at the judicial response to the over-incarceration of minorities. And one of the very obvious things after hearing testimony in California and we had a hearing in Saint Louis, was that very clearly what we needed were very clear objective criteria on decision making in all steps of the juvenile justice system.

It was very clear that we get confused as to what detention is supposed to be. We tend to try to use it as a therapeutic measure, scare the hell out of them, or, you know, as a prevention initiative, well, we might stop them from committing another crime. Or we are still looking for that young girl that is going to be a prostitute if she is not put into a detention facility. So very clearly, we need to look at what the purposes of detention are and they are to insure court appearance and public protection.

And those philosophies have to be translated out into very objective kinds of criteria. And once we do that, we need to fund those alternative programs because if we do not do that, we will relabel; we will get them in anyway.

And as an example of some of the programs in minorities communities that are beginning to spring up as we force this issue is in the Denver metropolitan area we have a program called the Priato where we have Hispanic communities, where we have adults and we have young people put on a production, a priato, and it has been, I think, a very worthwhile venture. Now it does not solve the problem, but it is programs like that, similar to that, that could have an impact. But I think criteria is a real important first step. And I think it has to happen at the time of arrest all the way through to the time of admission into the detention facility.

Chairman MARTINEZ. I agree with you. One question that I would like to ask because I do not want to detain this panel too long is get to the idea of flexibility that you mentioned in your testimony, Doctor Downes. And this is probably a good time to bring it up because you talk about the difficulty you have in sparsely populated large area States. And Nevada has the same kind of a situation except Nevada has already complied with the act, by removing the juvenile from jail.

And there is, I always understood, a certain flexibility in the act itself of if you cannot provide the accepted facility at least you remove them from sight and sound and contact with the adult offenders. What else other than that could you envision as flexibility for the program?

Ms. DOWNES. I think that aspect has been one of the barriers in our particular State. And recent leadership in offices I think are

going to open the door for us to move forward. When we have 60, 80 miles between facilities and even if we have a facility in a small area, it is economically impractical, at least, to expect there to be total separation of adult and juvenile staff and total separation of areas within the facilities, like the recreation area.

What I was speaking to in my testimony was I think the leadership and interpretation, which I do not think is jeopardizing the goal and all of the act but rather giving flexibility and strategies to accomplishing, you know, haphazard contact between adult and juveniles, is to let States figure out how to assure quality of detention for juveniles while they are there. So I cite that as one big movement forward for a State such as ours.

Chairman MARTINEZ. In other words, there would be some contact but that contact would be monitored and controlled to a degree that it would not be adverse to the juveniles.

Ms. DOWNES. Well, for example, if you ran a small short-term facility with say ten employees in it and two or three of them are dedicated juvenile employees but you need more coverage, what we are moving ahead with is allowing that facility to bring some of the employees in from the adult side; however, only if they have received 80 hours of training, 40 of which is specialized in juvenile issues.

And it is a hard argument to go into a small facility and say, "It would have to be totally separate." We had instances in some of our not even more rural relative to New Mexico, where the State juveniles were not getting out and getting recreation because that recreation space was used by adults. I mean, we are starting to get contradictory to what we are trying to accomplish. So I am just speaking to that particular—you very recently released a policy that is going to help a State like New Mexico.

I guess the second point I would make and I would love to learn from Utah how they have gotten that kind of financial commitment. We are trying always to leverage ownership at the local level because as Ms. Neiberg has said, this is not a lot of dollars. In today's news I was listening to the fact that one out of five New Mexicans live below poverty level. Our communities do not have a lot of local resources to kick in and take on.

So we have to do a long-term convincing process. It is not good enough to go in and do a quick program and say, "Such and such community take it over," because they often do not. So we have to find ways to have them commit to the concept and commit to upgrading the way we handle juveniles and work our way through some much more conservative attitudes; whereas, I think Mr. Martinez says there is attitudes in some of our communities where it is important to them that those kids get scared by placing them in facilities and we are trying to demonstrate how they would be handled differently.

So that is the example I am using about the issue of flexibility. What happens in the meantime for States that are not in compliance is that there is very little flexibility because all of your funds are to jailing and you never get on with this issue of how do we back up into the system and use more prevention steps.

There is another area I guess I think I will highlight that we are working our way through with the office on how to handle it, and

that is an issue around alcohol and how the offense of possession of alcohol is handled. Our particular State has by State law said that possession of alcohol is a delinquent offense. So our facilities, by State law, are allowed to hold you in possession. That is contrary to the act. Now, we have to work our way through again to kind of a transcended goal of what are we trying to do with the juveniles because we can do a bookkeeping issue, get them on a technical—you know, move it around, but the fact of the matter is as much as we are not the drug system, we are the juvenile justice system. Because of the flexibility of the funds, we end up being kind of, I do not know what term I want to use, very mobile funding and we would get right to the core of our problem and then when we are quickly asked the solution of the problem, we do not have enough money out of our office to do it.

So I think this issue of alcohol and how to work with States who have State laws that deal with that differently and how to deal with compliance issues, that is the major, one of the major reasons why New Mexico is not in compliance—we have a major alcohol problem. We lead the country. We lead the country in the number of deaths due to alcohol. Our native population again leads the country in deaths due to cirrhosis and associated alcohol problems. That is a major issue for us.

And then how we handle it is just head-on with the Juvenile Justice Act. It is another place where we need to work through flexibility.

Mr. PRINCE. Mr. Chairman, if I may, we also have a State statute that makes possession of alcohol a delinquent act. But I would suggest that just because it is a delinquent act and a young person is charged with it, that does not mean they have to be detained. And I think that this is an issue that relates directly to the success that a State can achieve with jail removal.

The developing of objective detention criteria, mandated detention criteria, so that you are making intelligent realistic decisions about whether a child should be detained or released at the get-go will reduce numbers. And a lot of this will get kids down that are going to be detained in the first place. Then we can look at the alternatives. And we have been able, with the money that we have received, to set up transportation programs and attendant care programs to deal with young people in areas hundreds of miles from juvenile facilities, simply because we first got the numbers down.

But that again can only be accomplished if you develop, as Orlando just mentioned, realistic objective detention criteria and follow that criteria and not give in to the whims of people that want to put a kid in for a couple of days to teach he or she a lesson.

Chairman MARTINEZ. Your agency does that, working towards that goal.

Mr. O. MARTINEZ. We are beginning to look at that issue, Mr. Martinez. You know, I was thinking as we were discussing the alcohol issue, it is a problem to all States. I think that the majority of us experimented with alcohol in some way or another, maybe just you and I but I'm sure others have. But there are other ways to deal with alcohol problems short of secured detention. And those are the alternatives that Dan talks about. And I think we should

not overlook that, that there is a need sometimes to intervene. And we ought to look at detention as not just being the brick and mortar detention; we ought to look at it as detention services, because there is home detention that works.

Electronic monitoring works with some kids, not all kids, but it works with some kids. A tracker program, where you just put one individual just to dog that kid until they appear in court is another way of doing it, and there are behavioral contracts that can be put in place to do that. So there are alternatives to just confining kids in detention centers.

But I do understand that those things take some rethinking and maybe some infusion of resources to get them done.

Chairman MARTINEZ. Ms. Neiberg, there are 20 States that are not in compliance with the jail removal issue. What is the difficulty involved? Is it a matter that States lack adequate resources?

Ms. NEIBERG. It is everything. It is all the way from New Mexico talking about that they have not developed all the alternatives. It is attitude changes. It is distances, but those are not the only—what it really is is getting the amount of technical assistance into the States and a concentrated Federal effort that goes, instead of putting out new regulations changing and having confusion with what the mandates are or are not, of sticking to it and providing the kind of technical assistance so that the States can get it done.

One of the things that is very nice about us all gathering together twice a year is, every State essentially has the same problems; whether it is alcohol, whether it is distance. In Michigan, for instance, there is 900 miles between our detention centers and we do not jail kids, but we are not in compliance. So what are our issues, our big city lock-ups?

Every State has different issues. I do not come before you and say, "Well, this act is too tough. You know, I cannot abide by it." What I have to say is my State, all other States, need more help. We need more money for programming. We need more money for creating alternatives but we also need the kind of leadership that will bring with us the programs that we know work. We know the classification systems work. We know that all of the variety of detention services work.

In Michigan, for instance, in our rural areas, we use a form of staff secured house. We have a foster care home in communities, at which time instead of the young person being put in local jail, they are kept in their local community at a secured foster care home. That is not a jail. That is a person only that works with juveniles. It is very cheap. You are not putting your money into bricks and mortars. It is not $120 a day. You know, it is cheap, and yet, it does the job, if that job has to be done.

This is discussed at our meetings a lot. At our spring meeting, for instance, we discussed what happens when you change how you will detain kids. What happens if you go with the new policies? There was only two States that supported the Office of Juvenile Justice in going with new policies. Since then there has been a great deal of discussion at every region except one which has not met yet. The Northeast Coalition, the entire coalition discussed this for half a day. There was one State that supported loosening the criteria that the office had supported. No other State did. In the

Western Coalition, there were four States that supported loosening the criteria. No other State did. Eleven were against it. In the Midwest Coalition, there were no States that supported it. So it is not a popular issue and it is not just because our States are in compliance. My State is not in compliance but I have a better chance in having my State in compliance and having my State start to look at how they are handling young people by being able to say, "You cannot do that under the act. You are going to lose the money."

Now, it is true they sort of laugh and say, "What money?" And so it would be nice to be able to have some, but at the same time, it is nice in going to change attitudes to be able to say, "This is what we have to do. This is what is right for kids."

Chairman MARTINEZ. You know, when you talk about more money, the administration wants to deal with gangs as a separate issue and fund that. I say that is bunk.

Ms. NEIBERG. It is bunk. It is all the same child.

Chairman MARTINEZ. If you fund these programs, and it will take care of that, but it seems to be more——

Ms. NEIBERG. The same thing with drugs. We need the money for gangs and drugs. They are not separate. They are part and parcel of the same issue. Who do you think our kids are? And they need to have that money coming through the States that has studied the issue, that has a State plan, that targets the problems, that targets the child. Then you will have a result.

Chairman MARTINEZ. I agree. Yes, Mr. Prince.

Mr. PRINCE. One quick word about changing regulations at this point, there is another reason we do not want to see any relaxation in the standards, as I mentioned earlier, but either relaxing them or increasing them is going to, as a practical measure, make our lives a little more difficult at the specialist's level and at the State advisory group level where we have worked hard to develop legislation and have enacted and codified language that is now consistent with the act. And I cannot tell you how confusing it is to those folks when we come back every 2 years when our legislature meets and say, "Hey, guess what, we need to draft another bill because it is not 24 hours; it is 48 hours."

So I think I speak for most of the specialists in that the stability at this point, the consistency, is real important for us as we are striving to get legislation enacted in our respective States.

Chairman MARTINEZ. There are still a lot of questions that we need to ask and we can go on all day, but what I would like to do is because the staff on either side of me have a list of questions, I would like to allow the record to remain open and I would like them to submit those questions to you in writing and ask you to respond to those questions and do that. And then thank you for your appearance here today. And hopefully, we will keep a dialogue going so that we, as we move towards the reauthorization, can do a better job of reauthorizing and provide answers to some of the issues you have raised here.

Ms. NEIBERG. Thank you very much, Chairman Martinez.

Chairman MARTINEZ. I would like to at this time as this panel is dismissed, announce that Congressman Bill Richardson, who would have liked to have been here today, has a statement which he would like entered into the record. And I will enter it into the

record in its entirety but I will read parts of it which are in agreement with the people who have testified on this panel.

"Each State has different variables and resources that must be taken into account when dealing with juvenile delinquents. I also believe that it is important to allow a State the opportunity and the flexibility to adopt programs that best fit both the needs of the children and the youth in the communities. The cultural diversity of New Mexico provides an excellent example. Despite a rural setting with limited resources, we have been able to make noble strides in providing benefits and services to children and youth that are at risk of being in trouble and those that are in trouble.

"Additionally, New Mexico has worked hard to provide adequate training for juvenile detention officers so that young people in trouble can receive help." He also states that, "The Juvenile Delinquency Prevention Act has had a major impact on the juvenile system for these last 17 years and it has determined that the role that our Federal Government will take in these proceedings and more importantly it has provided States with guidelines and programs to help address the needs of our troubled youth." This will be entered into the record in its entirety.

With that, I would like to call our panel, which consists of Ms. Alice King, former chair of the New Mexico Juvenile Justice Advisory Committee from Santa Fe, New Mexico. Ms. King? And I would also like to call up Professor Robert E. Shepherd, Jr., who is Chair, Reauthorization Committee, National Coalition of State Juvenile Justice Advisory Group from Richmond, Virginia, very close to us, Mr. Jim Brown, Community Research Associates, Champagne, Illinois, Mr. Dennis Noonan, Our Town, Tucson, Arizona and Mr. Chris Bacca, Youth Development, Incorporated, Albuquerque, New Mexico. Ms. King, we will start with you.

STATEMENT OF ALICE KING, FORMER CHAIR, NEW MEXICO JUVENILE JUSTICE ADVISORY COMMITTEE, SANTA FE, NEW MEXICO

Ms. KING. Thank you, and we are very delighted you are in our State. Congressman Martinez and members of the subcommittee, Governor King and I would like to welcome you to New Mexico. We hope your visit is pleasant and productive. We are pleased that you have chosen to hold this hearing in our State and I appreciate the opportunity to share with you my thoughts on the JJDP Act.

I would like to state my strong support for the JJDP Act for I believe it has helped New Mexico to make many improvements in our juvenile justice system and has indeed directly helped our young people. I served as Chairwoman of the New Mexico State Advisory Group, the Juvenile Justice Advisory Committee, for several years and saw first-hand the impact of the act in our State. For example, the act helped us to divert status offenders from security detention by enabling us to support a statewide system of nonsecure alternatives such as shelter case and foster homes.

The Federal initiative provided New Mexico with the impetus to pass legislation called the Children's Shelter Care Act which authorized and funded the systems of shelters. The JJDP Act also led us to appropriate State funds to separate juveniles from adults in

detention and to upgrade detention facilities. Later, our legislature passed laws which prohibited placing Children in Need of Supervision, or CHINS, in detention.

The primary mandate of the act, the removal of juveniles from adult jails, has helped bring about improvements in detention services to our youth and to develop alternatives to detention. Since we are a large, mostly rural State, we have chosen to comply with the intent of the act by supporting non-secure alternatives and by upgrading the quality of detention services for those youth who do require detention. We agree with Congress that juveniles should not be held in detention with adults and we hope that the Congress and OJJDP will continue to recognize the special problems associated with accomplishing this in large, rural States.

The pattern of services and the financial base to support these services are somewhat different in a State such as ours, compared to urban States. We compliment OJJDP for recognizing this diversity among States while still requiring that we all meet the goals of the act and the intent of Congress.

Our State, like others, is experiencing an increase in delinquent, sometimes violent behavior by organized youth gangs. Through the act we were able to provide help to Youth Development, Incorporated in Albuquerque to develop a youth gang intervention program which has grown and now receives support from many other sources. The JJDP Act funds were seed monies which helped launch the project in its early stages.

New Mexico, like several other Western States, has a large Native American population which has many juvenile justice needs. Other witnesses will perhaps discuss the Native American pass-through amendment to the act in more detail. It is my understanding that although this amendment was a good initial start, it does not provide nearly enough assistance to appropriately respond to the diversity of languages, cultures and problems amongst the tribes and pueblos. For example, in our State alone, we have 19 pueblos with three languages, two Apache tribes and a portion of the Navajo Nation. The jurisdictional issues are complex.

It especially pleases me that Congress is holding this hearing in a rural Western State. New Mexico is very large geographically, but is mostly rural and sparsely populated. We are also an economically poor State and cannot at the State or local government level afford all of the services and facilities needed. Therefore, a Federal emphasis on juvenile justice along with some funding assistance is critically important to us.

One particular problem experienced by New Mexico and several other States is with the limitation placed by the JJDP Act on expenditures for administration of the formula grant program. This ceiling adversely impacts sparsely populated, geographically large rural States. For example, because of our relatively small population we only receive the base allocation of $325,000 annually under the formula grant program. So we have a smaller dollar amount to support our administration of the program and the activities of our State advisory group.

However, it is often very costly to support the meetings and other business activities of our advisory group given the great distance our members must travel to meetings. You might consider

changes to the act to adequately support State advisory groups in large, rural States.

The same problem applies to large, sparsely populated States with regard to the limitation in the act for planning and administration or staff support. Because of the smaller amount of formula grant funds we are allocated, we have fewer dollars to support planning and administration of the JJDP program, yet small States like ours must comply with all the administrative requirements of the act that apply to large States.

States such as New Mexico also have to look to options that more densely populated urban States may not need, such as regionalization of services and shared use of facilities and programs. For example, given our geographic distances, it is sometimes not helpful to a child requiring detention to be transported many miles away to a detention center that is far from his family and the court.

State and local government cannot afford to provide everything and we need some flexibility in the manner in which we comply with the intent of congressional legislation as long as we do in fact comply with the direction that Congress establishes. We support the efforts by OJJDP to provide rural States with assistance in achieving compliance with the act and we hope that more technical assistance will be made available to help us reach compliance.

Another special problem experienced by New Mexico and some other States relates to the compliance with the deinstitutionalization of status offenders mandate of the act. Section 223(a)(12). Our State law prohibits placing Children in Need of Supervision or CHINS in secure detention. These are runaways, truants, and other youth whose behavior would not be criminal if committed by an adult. However, it is a delinquent offense in New Mexico for juveniles to possess, buy or attempt to buy alcoholic beverages, and detention is allowed for this. OJJDP classifies these alcohol offenses as status offenses and requires us to report the detention of such youth as a violation of the act, if held in excess of 24 hours. This is an example of a conflict between our State law and the JJDP Act and regulations.

We discourage the practice of placing such alcohol offenders in detention but the fact is that our statutes do authorize detention. Some of these youth have serious alcohol abuse problems and many need short-term detention in order to prevent harm to themselves or others. Our communities lack adequate alcohol detoxification programs for youth. Many of these youth need intensive long-term treatment programs which are very expensive. This population has created a problem for us in terms of compliance with the deinstitutionalization of status offenders provision, due to the difference between State and Federal law.

Governor King and I believe very strongly in early intervention and preventive measures so that young people do not become involved in the justice system. The Governor's Children and Families Task Force is studying ways to improve services to our young people and their families and the Task Force has heard over and over at public meetings how necessary early intervention and prevention are.

Many of us would like to see the JJDP Act regain some of the previous emphasis it placed on innovative prevention services. Pos-

sibly the act has become a bit too focused in one area, secure detention, in recent years. We can and will, as a State, continue to make improvements in the justice system but unless we keep the number of youth entering the system from increasing, we will continue to merely play catch-up and will lose many youth to lives of crime.

New Mexico has developed many innovative prevention services through the years with JJDP Act assistance. Some of these services were; conflict resolution and mediation programs for youth, school climate improvement programs designed to reduce violence and vandalism, wilderness experience programs, which help provide youth with communication skills and build self-esteem and youth leadership programs.

I hope that as Congress reviews the JJDP Act during the next few months, you review and strengthen your commitment to helping youth who are at risk of delinquent behavior and who desperately need early intervention programs. As we all know, many of these youth are themselves victims of abuse or neglect and need society's assistance. Please consider a renewed emphasis in the act on prevention and early intervention.

In summary, New Mexico is a strong supporter of the JJDP Act and has benefited from programs and services supported by the act. Those responsible for developing and implementing guidance and regulations need to recognize the diverse and different needs of the States and the jurisdictions and assure implementing guidelines and regulations do not place unreasonable or unnecessary barriers or demands on the receiving jurisdictions. And, three, the act's coverage needs to be expanded to areas which I have outlined and resources made available to address these important areas.

I thank you again for allowing me to take this opportunity to state my strong support for the JJDP Act and I hope that my remarks will prove to be helpful to you as you consider reauthorization of the act. I will be happy to answer any questions that you might have. Thank you for being here.

[The prepared statement of Alice King follows:]

STATEMENT OF ALICE KING, FORMER CHAIR, NEW MEXICO JUVENILE JUSTICE ADVISORY COMMITTEE, SANTA FE, NM

Governor King and I would like to welcome you to New Mexico. We hope your visit is pleasant and productive. We are very pleased that you have chosen to hold this hearing in our State, and I appreciate the opportunity to share with you my thoughts on the JJDP Act.

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The other primary mandate of the act, removal of juveniles from adult jails, has helped bring about improvements in detention services to our youth and to develop alternatives to detention. Since we are a large, mostly rural State, we have chosen to comply with the intent of the Act by supporting non-secure alternatives and by

upgrading the quality of detention services for those youth who do require detention. We agree with Congress that juveniles should not be held in detention with adults, and we hope that the Congress and OJJDP will continue to recognize the special problems associated with accomplishing this in large, rural States. The pattern of services and the financial base to support these services are somewhat different in a State such as ours, compared to urban States. We compliment OJJDP for recognizing this diversity among States, while still requiring that we all meet the goals of the act and the intent of Congress.

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It especially pleases me that Congress is holding this hearing in a rural western State. New Mexico is very large geographically, but is mostly rural and sparsely populated. We are also an economically poor State and cannot at the State or local government level afford all the services and facilities needed. Therefore, a Federal emphasis on juvenile justice, along with some funding assistance, is critically important to us.

One particular problem experienced by New Mexico and several other States is with the limitation placed by the JJDP Act on expenditures for administration of the formula grant program. This ceiling adversely impacts sparsely populated, geographically large rural States. For example, because of our relatively small population we only receive the base allocation of $325,000 annually under the formula grant program, so we have a smaller dollar amount to support our administration of the program and the activities of our State advisory group. However, it is often very costly to support the meetings and other business activities of our advisory group, given the great distances our members must travel to meetings. You might consider changes to the act to adequately support State advisory groups in large, rural States.

The same problem applies to large, sparsely populated States with regard to the limitation in the act for planning and administration (staff support). Because of the smaller amount of formula grant funds we are allocated, we have fewer dollars to support planning and administration of the JJDP program, yet small States like ours must comply with all the administrative requirements of the act that apply to large States.

States such as New Mexico also have to look to options that more densely populated urban States may not need, such as regionalization of services and shared use of facilities and programs. For example, given our geographic distances, it is sometimes not helpful to a child requiring detention to be transported many miles away to a detention center that is far from his family and the court. State and local government cannot afford to provide everything, and we need some flexibility in the manner in which we comply with the intent of Congressional legislation as long as we do in fact comply with the direction that the Congress establishes. We support efforts by the OJJDP to provide rural States with assistance in achieving compliance with the act, and we hope that more technical assistance will be made available to help us reach compliance.

Another special problem experienced by New Mexico and some other States relates to compliance with the deinstitutionalization of status offenders mandate of the act, Section 223a(12). Our State law prohibits placing Children In Need of Supervision (CHINS) in secure detention. These are runaways, truants, and other youth whose behavior would not be criminal if committed by an adult. However, it is a delinquent offense in New Mexico for juveniles to possess, buy, or attempt to buy alcoholic beverages, and detention is allowed for this. OJJDP classifies these alcohol offenses as status offenses and requires us to report the detention of such youth as a violation of the act, if held in excess of 24 hours. This is an example of a conflict between our State law and the JJDP Act and regulations. We discourage the practice of placing such alcohol offenders in detention, but the fact is that our

statutes do authorize detention. Some of these youth have serious alcohol abuse problems and may need short-term detention in order to prevent harm to themselves or others. Our communities lack adequate alcohol detoxification programs for youth, unfortunately. Many of these youth need intensive, long-term treatment programs which are very expensive. This population has created a problem for us in terms of compliance with the deinstitutionalization of status offenders provision, due to the difference between State and Federal law.

Governor King and I believe very strongly in early intervention and preventive measures so that young people do not become involved in the justice system. The Governor's Children and Families Task Force is studying ways to improve services to our young people and their families, and the Task Force has heard over and over at public hearings how necessary early intervention and prevention are. Many of us would like to see the JJDP Act regain some of the previous emphasis it placed on innovative prevention services. Possibly the act has become a bit too focused in one area, secure detention, in recent years. We can and will as a State continue to make improvements in the justice system, but unless we keep the number of youth entering the system from increasing, we will continue to merely play "catch-up" and will lose many youth to lives of crime.

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In summary: 1) New Mexico is a strong supporter of the JJDP Act and has benefited from programs and services supported by the Act; 2) those responsible for developing and implementing guidance and regulations need to recognize the diverse and different needs of the States and jurisdictions and assure implementing guidelines and regulations do not place unreasonable or unnecessary barriers or demands on the receiving jurisdictions; and 3) the act's coverage needs to be expanded to areas which I have outlined and resources made available to address these important areas.

I thank you again for allowing me this opportunity to state my strong support for the JJDP Act, and I hope that my remarks will prove to be helpful to you as you consider reauthorization of the act. I will be happy to answer any questions you might have.

Chairman MARTINEZ. Thank you, Ms. King. And certainly your remarks are well-taken and we will have questions. We will hear the whole panel before that. Mr. Shepherd.

STATEMENT OF ROBERT E. SHEPHERD, JR., CHAIR, REAUTHORIZATION COMMITTEE, NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS, RICHMOND, VIRGINIA

Mr. SHEPHERD. Chairman Martinez, Members of the House and Senate, staff, and ladies and gentlemen. I do not know whether the reporter realized that a law professor was about to speak and decided she needed a new tape or what, but I will try to be brief.

My name is Robert E. Shepherd, Jr. and I am a professor of law at the University of Richmond in Virginia. I also am past chair of the Virginia State Advisory Group and currently serve as chair for the Reauthorization Committee of the National Coalition of State Juvenile Justice Advisory Groups. I would also note that I have had the honor this year to serve as the consultant for the National Coalition in the preparation of their annual report, and a lot of the issues that are being addressed today are being addressed in that report in greater detail and the Board will be acting on that this

weekend and hopefully, it will be available before too long for Congress and the President and the Administrator to give some guidance.

Chairman MARTINEZ. Could we get a jump on that and get that report as soon as we possibly can?

Mr. SHEPHERD. We certainly will. We are doing our very best, Congressman. I am here today to testify on behalf of the National Coalition in connection with the proposed reauthorization. I would note as an aside that the issues that we are dealing with are not necessarily unique. I am on sabbatical this semester and am visiting as a scholar at Cambridge University. I flew back for this meeting, so I am suffering a bit from jet lag, but just within the last week the Manchester Guardian for this Tuesday had a headline, "Boy's Cell Suicide Spurs Jail Outcry," an article about a 15-year-old boy who committed suicide in a adult facility in London just this past Sunday.

And then on Wednesday, the day before I left, it said, "Youths Kept in Police Cells for Five Days." And there is an outcry in Great Britain today over the use of adult and secure facilities inappropriately for juveniles.

I might also note that it is a major debate in England right now. You may have read of some of the disorders in Oxford and Cardiff and Newcastle and the Archbishop of Canterbury made a major speech last week saying that juvenile delinquency was largely a result of social deprivation, poverty, poor housing and illiteracy. A major debate is taking place between the church and the Tory government over the causes of delinquency. The Sunday London Times for this past Sunday had a major article, "Lost Boys," talking about the causes and the methods of dealing with delinquency in Great Britain.

So we are not dealing with an issue that is insular even one that is solely unique to the United States. I am glad to say that we have, through the JJDP Act, moved much farther than Great Britain has in dealing with some of these problems.

I would note that the act is unique. It is the sole example of a Federal initiative addressing the problems of juvenile delinquency and non-criminal misbehavior by children in the United States. There are lots of other initiatives that deal with abused and neglected children, that deal with children who are runaways or missing, but this the sole act that deals with children who are alleged to be delinquent or engaged in non-criminal misbehavior.

It was enacted by Congress in 1974, according to the act, to provide, quote, "Federal leadership and coordination of the resources necessary to develop and implement at the State and local community level effective programs for the prevention and treatment of juvenile delinquency." Now, note, although it is a Federal initiative, it states that the implementation is to take place largely at the State and local level.

It is a unique partnership between the Federal Government and the State and its localities in addressing the problems of children at risk of or engaged in delinquent behavior. Those of us that are involved in the State advisory groups are, despite our professional analyst, largely volunteers. And we are appointed by the Governor

to carry out the mandates of the act and to advise the Governors and State legislatures.

As such, there is this unique, kind of symbiosis between the Federal Government establishing some general goals and the States and the localities trying to implement those goals in innovative and in sometimes experimental fashion. As Vicki Neiberg pointed out, the chair of the National Coalition, one of the beauties of the act is that you can try programs, determine which are successful and which are not successful and try and replicate the successful ones and advise others not to try some of the ones that have proven not to be successful.

One of the beauties of our Federal system of government is this opportunity for the State to act as laboratories for experiments in dealing with questions of social policy like this. Justice Brandise of the Supreme Court pointed that out many years ago.

Chairman MARTINEZ. May I interrupt you right there——

Mr. SHEPHERD. Certainly.

Chairman MARTINEZ. [continuing] because it struck me in the beginning when I took over this chairmanship, is that it was remarkable that there was a national coalition for the coordination of the State advisory committees through the directors.

One of the things though that has been cropping up is lack of dissemination of information. When you just said programs that work and programs that do not work, that is the beauty of the system and the program. But I guess in the meetings that you have, your national conferences, is that is the only way there is to discuss those failed programs as to not allow other people to waste dollars in those kind of programs. Does that occur?

Mr. SHEPHERD. I think that is very correct, Congressman. We have not had the resources to do a great deal of that until the last reauthorization in 1988 when the National Coalition received congressional recognition and some appropriations to have a professional staff to be able to do that. And that is one of the things that we spend a good deal of the time at our spring conference in working on. We wish that is something that the office were doing more of, but it has not done so historically.

Chairman MARTINEZ. We need to have the office do that.

Mr. SHEPHERD. We need to have the office involved in that as well as the National Coalition and community research that has been a marvelous resource for us as a contractor in working with us at the State level. But that is one of the most important things, I think, that the act can do, is to provide, in a sense, a clearing house, for programs that are effective and programs that are not effective and disseminating that information among the States.

That is one of the things we are trying to develop in our national office at this point now that the resources are available. We need more though, to be able to do that more effectively.

One of the points that I want to make, Mr. Chairman, is the fact that the Juvenile Justice and Delinquency Prevention Act is a piece of reform legislation and the mandates that are defined by the act are merely the means to the achievement of a fundamental end of juvenile justice reform. You know, as we debate whether a particular type of jail removal is the most effective means or not, it

must be kept in mind that the mandates are not the ends of the act.

The end of the act is meaningful juvenile justice reform. The mandates tend to be the means to that end. For example, the act, as it was originally enacted, looked at separation of adult and juvenile offenders. At a later point, in 1980, the next stage was reached to go beyond mere separation and deal with the absolute removal of juveniles from adult facilities.

Now, as the previous panel has pointed out, I think it is time for another incremental step and that is to address the question of the over-utilization of secure detention facilities even within the juvenile system. Mr. Martinez, others in the previous panel, Dan Prince, referred to the fact that there are innovative programs now that can achieve one of the two sole goals that detention is intended to do, to insure the presence of the juvenile at a hearing and to protect society.

That programs are available that do not have to be provided in architecturally secure facilities, but may be provided in staff secure programs through outreach detention, through in some instances electronic monitoring and the like. We have a very real problem now in many of the States, including those that are in compliance with the act, with the over-utilization of secure detention. And I think we need to focus on that during this reauthorization process. The kids do not need to be locked up in order to achieve the goals of juvenile justice in this country.

In fact, the over-utilization of detention may, in fact, contribute to greater delinquent behavior because it tends to reinforce some of the things that these kids are involved in. The act has been effective despite the fact that not every State is yet in compliance. If you look at raw numbers, between 1977 and 1988, the number of juvenile status offenders incarcerated in secure settings in America dropped from almost 190,000 to less than 10,000, a reduction of nearly 95 percent.

The record of performance in securing separation of juveniles from adult offenders is similarly significant as the numbers have gone from 84,000 to less than 19,000. The number of youths in adult jails has dropped from more than 150,000 to less than 43,000. And those who are still jailed are generally older than was the case previously and the period of incarceration is generally shorter than it was when this became a mandate of the act in 1980.

As I said, the next logical step is to move beyond the focus on where juveniles are to be detained to a concentration on whether they need to be detained at the rate currently found. True juvenile justice reform occurs when young people who get into trouble are dealt with in the least restrictive setting necessary for the protection of the public safety and the assurance of their attendance at any pending court hearing.

Detention homes across the country, as has been pointed out, are frequently over-crowded and yet programs such as the one recently implemented in the last year or so in Broward County, Florida, Fort Lauderdale, have demonstrated that the number of youths detained may be cut drastically without any increase in the number of juveniles failing to appear in court or in the number of those

committing other delinquent acts while they are free in the community.

One of the keys to that, as Mr. Martinez pointed out, is the use of objective criteria to eliminate, to reduce the amount of discretion to say, "Well, you ought to be detained because you are charged with a drug offense." That alone does not make the person a threat to the public safety or a risk of not showing up for a court proceeding, instead the use of more effective criteria.

One of the things that the act originally did was talk about implementing national standards. There are four sets of juvenile justice standards that have been published. Many of them have been out for 10, 15 years. Those standards clearly define the criteria to be used in detention. We do not need to reinvent the wheel. We need to simply have the office involved much more aggressively in promoting many of those standards that they funded and saying, "This is what the States ought to be doing in addressing detention criteria in their statutes."

Congress, I think, needs to keep the reform thrust of the act foremost in the reauthorization process. To focus only on the specific mandates or on particular special emphasis programs is to engage in a minute examination of the trees without seeing the significance of the entire forest. There also needs to be a major reexamination of the resources that are being committed to the cause of juvenile justice in America through the act.

The problems of juveniles continue to become far more complex and yet the resources allocated to addressing those problems have shrunk significantly in real terms over the continuation of the act. I might point out, Mr. Chairman, that in 1981 the congressional appropriation under the act was $97 million. In 1991 dollars, that amounts to about $210 million. We only have slightly more than one-third of that to deal with far more complex problems today than we had back then.

The act, as Chairman Neiberg pointed out, is the place where programs dealing with juvenile justice and delinquency prevention ought to be placed. The idea of allocating large sums of money through the Crime Bill to boot camps and urban gang interdiction are foolish as these approaches are already contained in the JJDP Act in a much more carefully reasoned fashion. The act is our best hope for achieving through a meaningful State-Federal partnership true justice for juveniles and safety for society.

One of my inspirations in my view towards public service in the political and other realms was a young man who was assassinated a number of years ago. My first involvement in a political campaign was in law school for a young man from Massachusetts named John Kennedy and then a few years later, his brother, who was involved in a presidential campaign while I was a young lawyer starting out in practice in Virginia. He wrote a book, this young United States Senator from New York, called "To Seek a Newer World." That book was dedicated to my children and yours. And he sought to address what he saw as the major problems of the world of 1967, including to a great extent the problems of youth.

In the dedication of that book, Senator Robert F. Kennedy quoted words from Albert Camus that are pertinent to our task in

addressing the act. "Perhaps we cannot prevent this world from being a world in which children are tortured, but we can reduce the number of tortured children. And if you do not help us, who else in the world can help us to do this?"

As volunteers, State advisory group members and others in the effort to reduce the number of tortured children, the members of the State advisory groups and their National Coalition pledge their continued efforts for true juvenile justice reform and we hope and expect that Congress will join with us in this partnership. I thank you for this opportunity and I will be happy, of course, to answer your questions at the appropriate time.

[The prepared statement of Robert E. Shepherd, Jr. follows:]

STATEMENT OF ROBERT E. SHEPHERD, JR., ON BEHALF OF THE NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS

Congressman Martinez, members of the Subcommittee on Human Resources, and ladies and gentlemen: -My name is Robert E. Shepherd, Jr., and I am a Professor of Law at the University of Richmond Law School in Richmond, Virginia. I also currently serve as Chairman of the Reauthorization Committee of the National Coalition of State Juvenile Justice Advisory Groups. I am here today to testify on behalf of the National Coalition in connection with the proposed reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

The act is the sole example of a Federal initiative addressing the problems of juvenile delinquency and non-criminal misbehavior by children in the United States. It was initially enacted by Congress in 1974 to provide "Federal leadership and coordination of the resources necessary to develop and implement at the State and local community level effective programs for the prevention and treatment of juvenile delinquency."

As originally adopted, the Act had seven principal pillars: first, it introduced a strong Federal presence to the juvenile justice arena by committing resources and establishing a legislative commitment to certain goals and policies; second, it recognized the immense value in placing the primary responsibility for implementing those goals and policies at the State and local community level through a formula grant program administered by State Advisory Groups; third, it created the Office of Juvenile Justice and Delinquency Prevention to institutionalize this Federal presence; fourth, it committed the Federal Government to the dual goals of removing status offenders and non-offenders from secure institutions and separating juvenile offenders from adults in institutional settings; fifth, it established a discretionary grant process through the Special Emphasis and Treatment Program to make awards directly to public and private nonprofit agencies to help develop creative techniques and strategies for realizing the act's purposes; sixth, it encouraged the development of national standards to assist in reforming the juvenile justice system; and seventh, the act embodied the goal of coordinating Federal programs in the areas of delinquency prevention and juvenile justice.

In total, the act constituted a great deal more than just these seven highlighted characteristics, but it was built largely upon these seven pillars with the most important ones being the identification of national goals for the rehabilitation and reform of juvenile justice, and the designation of a Federal-State partnership for the implementation of those goals.

It must never be forgotten that the Juvenile Justice and Delinquency Prevention Act of 1974 is a piece of reform legislation, and the initial mandates defined by the act, and those which have been added, are morely means to the achievement of that fundamental end of juvenile justice reform. Subsequent amendments to the Act—in 1976, 1977, 1980, 1984, 1988, 1989, and 1990—have not departed from that initial fundamental goal.

The first two mandates under the act to the States were reflective of this reform strategy: the separation of juvenile offenders from adult criminals in institutional settings, and the removal of status offenders, those juveniles who have engaged in misbehavior that would not be criminal if committed by an adult, and non-offenders, such as abused and neglected children, from any sort of secure residential setting. These two Federal initiatives remained the sole mandates under the act until 1980, when Congress took the next logical step beyond separation by mandating the removal of all juveniles from confinement in adult jails and lock-ups. However, this

forward step was balanced somewhat by the enactment in the same year of the "valid court order" exception to the earlier mandate for removal of status offenders from secure facilities. The recent report of the General Accounting Office reinforces the consistent belief of the National Coalition that the enactment of this exception was a serious mistake, and a step backward. Thus, as of 1980, there were three major mandates under the Act—deinstitutionalization of status offenders, separation of juveniles and adult criminal, and jail removal, and the fourth mandate was added in 1988 at the urging of the National Coalition. This fourth mandate directed a new focus on the disproportionate representation of minority youth at every stage of the juvenile justice process.

Despite a decided lack of support from the Federal executive branch over the past 11 years, substantial progress has been made by the States and their National Coalition in realizing the subsidiary goals under the act defined by the mandates. Between 1977 and 1988, the number of juvenile status offenders incarcerated in secure settings in America dropped from almost 190,000 to less than 10,000, a reduction of nearly 95 percent. The record of performance in securing separation of juveniles from adult offenders in incarceration is similarly significant as the numbers have dropped from 84,000 to less than 19,000, a reduction of 78 percent, and two States account for almost 14,000 of the numbers remaining in contact with adults. Likewise, the number of youths in adult jails in America has dropped from more than 150,000 to less than 43,000, and those who are still jailed are generally older than previously, and the number of days served in such an institution is less than in the past. The States are still in the early stages of identifying the extent and causes of overrepresentation of minority youths in the juvenile justice system, but there has been substantial progress in seeking to impact on the disparities discovered.

Despite the progress that has been made in implementing the four mandates, there is still much that needs to be done. For example, the next logical step is to move beyond a focus on where juveniles are to be detained to a concentration on whether juveniles need to be detained at the rate currently found around the country. True juvenile justice reform occurs when young people who get into trouble are dealt with in the least restrictive setting necessary for the protection of the public and the assurance of their attendance at any pending court proceedings. Detention homes across America are frequently overcrowded, and yet programs such as the one implemented in Broward County, Florida, have demonstrated that the number of youths detained may be cut drastically without any significant increase in the number of juveniles failing to appear in court or in the number of those committing other delinquent acts while free in the community. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) needs to be far more supportive of those States that are still earnestly attempting to come into compliance, and far more innovative in seeking to bring about true juvenile justice reform under the act.

The Office must also be held accountable to the underlying purpose and intent of the Act. It is inexcusable that OJJDP would issue a policy interpretation that allows adult jails and juvenile detention facilities to be physically situated together and to be run by a single administrator when the entire thrust of the act is to deal with juveniles separately and based on a totally different philosophy than that which governs adult corrections. The Office also needs to worry less about being popular with those States that are not yet in compliance and should focus instead on committing the resources, both fiscal and human, to assist the States to come into compliance and remove children from inappropriate facilities where they may be victimized or otherwise put at risk.

Congress also needs to keep the reform thrust of the act foremost in the reauthorization process. To focus only on the specific mandates, or on particular Special Emphasis programs is to engage in a minute examination of the trees without seeing the significance of the entire forest. There also needs to be a major reexamination of the resources that Congress is committing to the cause of juvenile justice in America through the act. The problems of juveniles have become far more complex, and yet the resources allocated to addressing those problems have shrunk significantly in real terms since the enactment of the act. We do not believe that the problems identified in the act can be solved simply by throwing money at them, but the share of the formula grant funds that each State receives is insufficient to achieve the act's objectives, and move on to other reforms. Ironically, it is the States like Alaska and other western States that receive the smaller allocations and yet they have some of the greatest need for resources to achieve jail removal in remote areas. It is also difficult for some of these larger States in area with small populations to bring their advisory groups together to address the problems because of insufficient allocations for administrative costs. Instead of trying to create exceptions and weaken the mandates of the act, OJJDP should be addressing some of these problems and

finding solutions to the unique problems of individual jurisdictions while still keeping faith with the act.

The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, still stands as a beacon of enlightened, measured approaches to preventing delinquency and addressing delinquent behavior in America, and it requires no massive tinkering. The proposals to allocate large sums of money through the Crime Bill to "boot camps" and urban gang interdiction are foolish, as these approaches are already contained in the JJDP Act in a more carefully reasoned fashion. Besides, no one yet knows whether such radical departures from traditional juvenile justice treatment as "boot camps" even work. To simply throw money at the current fads under the banner of "getting tough" is not the responsible approach to achieving true justice for juveniles or safety for society. The act is our best hope for achieving both through a meaningful State-Federal partnership and this is where resources and commitments should be placed.

We need to do a better job of achieving the mandates of the act as intermediate steps toward achieving the greater goal of juvenile justice reform. We need to look at some of the effective programs that work—those that are described in our 1991 Report—and place our resources there. We need to examine more closely the conditions in the institutions we use for children, and correct those that are inhumane or counterproductive. We need to look at the special treatment needs of our incarcerated juveniles and address them more effectively through a range of services. We need to allocate resources to advocacy for juveniles, especially those services that go to fulfill to promise of *In re Gault* that every child will have competent representation in any delinquency hearing. As we approach the 25th anniversary of *Gault* next year, it is unconscionable that many juveniles are tried without the assistance of counsel every day in America. It is fine to support innovative programs for providing assistance to abused and neglected children, but the Office is currently doing nothing under the advocacy requirement of the act to address the need of delinquent youth for advocates as well. We need to focus on the problem of the overutilization of psychiatric institutions for children with behavioral problems—many of these are the status offenders we removed from secure juvenile justice institutions under the act.

Twenty-four years ago a young United States Senator from New York wrote a book—*To Seek A Newer World*—dedicated "to my children and yours" wherin he sought to address the serious problems of his world, including the problems of youth, many of which are still with us. In the dedication Robert F. Kennedy quoted words from Albert Camus that are pertinent to our task in addressing the act.

"Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don't help us, who else in the world can help us do this?"

As volunteers in the effort to reduce the number of tortured children, the members of the State Advisory Groups and their National Coalition of State Juvenile Justice Advisory Groups pledge their continued efforts. Will you join us?

Chairman MARTINEZ. Professor Shepherd, thank you. And we will ask questions after we have heard from the rest of the panel, but I am moved to say that the last statement you made about tortured children is that I have become increasingly aware of it; all of us have, that there are so many situations of abused children. What nobody really realizes is that those abused children result in societal problems as they become adults. I have had occasion to visit with some people who are trying to overcome the problems that they inherited because of that abuse.

One thing that we talk about, abuse in homes where there are natural parents, even if it is a single parent family, that what is really apparent and that Congress has moved to deal with is the number of foster children that are abused. The bigger percentage of children in foster homes are abused than are not abused. And it is something that we have to deal with as well, because a lot of these abused children from these kinds of homes are the ones that we are dealing with in these programs here. But I thank you very much for that excellent testimony.

Mr. SHEPHERD. Thank you.

Chairman MARTINEZ. Mr. Brown?

STATEMENT OF JIM BROWN, COMMUNITY RESEARCH ASSOCIATES, CHAMPAIGN, ILLINOIS

Mr. BROWN. Good morning, Mr. Chairman. Thank you for this opportunity to testify. Our organization has had the opportunity over the last 17 years to work with a very large number of public agencies and as well as private agencies at the State and local level, virtually in all 57 States and territories, to work with them in the resolution particularly of the problems that are noted in the Juvenile Justice and Delinquency Prevention act.

I wanted to take just a minute at the outset, if I could, to support what Mr. Shepherd and Mr. Martinez have said in terms of detention criteria because I think it is a very pivotal type of thing. Detention criteria, objective and specific detention criteria, as the American Bar Association laid out in their standards in the late 1970's, is probably the reason that Austin, Texas—I am going to give you four similarly sized communities and why their detention centers, the size of their detention populations are different. Austin, Texas, which is about 750,000 people, has a detention facility with about 35 beds. Honolulu, Hawaii, with a county of about a million people, has a detention center today that has maybe 35 or 40 young people in it.

Louisville, Kentucky, with about 750,000 people, has a detention center with about 35 kids in it. On the other hand, there are other communities such as Indianapolis, Indiana who did not have strong detention criteria that have a detention population of around 150 on any given day. I think that, you know, you have to have the surrounding system of non-secure alternatives, the support systems, but if you do not have that detention criteria, you are just not going to be able to keep the populations at a low level.

Unfortunately, I think, we all err on the side of making a safe decision and many times do not take risks with young people who really should not be locked up, who their counterparts committing the same type of offenses of adults are free and do not get locked up. Just as a little bit of background on it, Oklahoma, about 11 or 12 years ago, looked very closely at their detention population and found that in a given year they were detaining about 7,000 children statewide. They said, "Let us sit down and look and see what we are doing. Let us take those 7,000 cases and apply a specific detention criteria rather than saying, you know, the criteria being, is the kid reliable; is the kid dangerous. Let us look at the specific offenses. Let us look at what the offense was. Let us look at past criminal history and these types of things and then make a decision based on that."

We all have our biases and the biases are as broad as human nature. If there is not a specific criteria tied to an offense and things like criminal history, then the number of kids that get detained is very, very large. Oklahoma sat down and looked at those 7,000 young people, applied what they thought was a—which was a very objective and specific criteria that they all felt, "This is basically what we do." When they applied the criteria, they found that

fewer than 2,000 of those young people would have been eligible for secure detention.

Well, now that is all historical and it is one thing to say that only 2,000 young people should be detained but everyone is saying, "If we do this there is going to be a reign of terror in the community." That was historical data they used in Oklahoma, so they really did not have the opportunity to look at that.

Louisville, about 3 years later, had the opportunity to look at those kind of things and basically, implemented the ABA criteria or something very close to it, the principles of it, and found that not only did their admissions to secure detention take that same dramatic drop, in the area of 65 to 70 percent, but in following up the young people in a pre-test group and a post-test group, found that there was no increase in the danger to the public safety or a danger to the integrity of the court process.

Now this same kind of scenario has played itself out in a lot of communities around the country over the last 10 years. And while it is not generalizable to every community out there, it is something that I think if we are really sincere about keeping levels of secure detention at a very low level and still preserving community safety and the integrity of the court process that we just need to take a much closer look at.

Chairman MARTINEZ. Could you provide the committee with information from that research?

Mr. BROWN. Yes, and there is a lot more I could, I mean just in terms of that particular criteria. I will see that you get that.

You have heard quite a bit of testimony about the dramatic changes that have taken place across the country in terms of jail removal, deinstitutionalization of status offenders, disproportionate confinement of minority youth. Those are things that are making significant progress, things that are happening, things that continue to be great successes for the, I guess, over 1,000 State advisory group members out there that have been pushing these for the last 10 to 15 years.

I wanted to, just for a minute, broaden the discussion a little bit and advise you and your committee of a number of other very significant things that have happened that have been not unintended consequences of this movement, but are things that, I think, are as important as the reduction in the specific numbers and the changes in the laws.

The first is, I think that you need to be aware that there has been a dramatically increased public and official awareness of youth crime and the administration of juvenile justice. The beauty of the original legislation in 1974 was the fact that you really could not accomplish these goals of jail removal, of deinstitutionalization of status offenders and these kind of things without having State and local government officials talking to each other, without having police, courts, corrections and interested citizens talking to each other, without doing the type of—and Mr. Martinez mentioned earlier, the type of collaboration and coordination that is necessary.

By going through this process, what has shaken out is a whole new infrastructure, a whole new way of doing business. A lot of the hard relationship types of things have been taken care of and now

there is a much better dialogue out there. People understand the situation better. It is much higher on the State and local agenda.

Secondly, there has been a forum for discussion and debate that has developed out there. Again, people are talking to each other across lines. That bodes well for future discussions on future issues. A third positive consequence of this effort of jail removal and DSO has been that increasingly we have a much clearer data base out there on which to base policy decisions. Communities more and more now are looking at things like they are doing good clear needs assessments of high risk young people. They are doing the kind of detention criteria of taking a good clear look at who, in fact, is in secure detention.

Always in the past it has kind of been planning by horror story. You know, everybody would get around the table and someone would have this horrible story on one end and somebody would have this horrible story on the other end, but our planning would all be directed to that. We would build our facilities and that kind of thing, structure our programs, around the most serious kid that came down the block in the last 10 years.

Public officials and interested citizens are now starting to look very clearly at who these kids are and seeing what their needs, and building their programs around that.

Chairman MARTINEZ. I have to interrupt you right there.

Mr. BROWN. Okay.

Chairman MARTINEZ. Do you know that to a large extent a lot of what Congress does is built on horror stories?

Mr. BROWN. Yes, I think——

Chairman MARTINEZ. You watch C Span and listen to these guys get up and tell you how terrible something is and why we have to pass this law, when that may be an isolated instance.

Mr. BROWN. Yes, and you do not have the good clear kind of data about what happens every day.

Chairman MARTINEZ. That is right. And fortunately for the country, committees like this have listened to people like yourself who have done the research and are able to sometimes argue those horror storytellers down, but not always.

Mr. BROWN. Well, it is at every level that exists.

Chairman MARTINEZ. There are some kinds of situations, the situation in Nicaragua with the Sandinistas versus the Contras, who were the freedom fighters, you know, and things like that, but just knock on wood that somehow we come out——

Mr. BROWN. It goes up and down a lot, I guess.

Chairman MARTINEZ. But I just had to insert that. I am sorry. Go ahead.

Mr. BROWN. Thank you. The fourth area, fourth positive consequence that has come from the legislation, again, over and above the dramatic result in terms of the numbers of kids that are no longer detained, are the State and local partnerships that have developed. And I mentioned that a little bit earlier, but States are now talking about pushing their resources down to the local level so they can meet the individual needs of the kids at the local level and the operational agencies that are down there.

There is a number of States that have had great success and that, again, bodes well for dealing with all types of programs that

might come down the line, not just jail removal and DSO. And a final one, and a very important one, is that a positive consequence of this has been the continuum of services that has developed across the country in many States as we begin to down-size institutions. As we begin to decrease the number of kids in jails and lock-ups and as legislation and public policy changes take place, there is this concurrent development and it is not enough but there is this concurrent development of community based resources at the neighborhood level, at the community level, whether it is in a urban area or a rural area, that are developing very, very strong individualized, culturally sensitive responses to the problems that young people are having.

And it does not make any difference whether it involves drugs or it is abused and neglected kids or it is status offenders or serious and violent kids, these programs are beginning to have an impact. Some of the characteristics of these programs, just very quickly, is that in most every case they are characterized by the availability of around the clock screening and referral with follow-up services.

And I cannot emphasize enough these follow-up services. I am convinced, and I think a lot of people are convinced, that the war and the battle will be won and lost with these young people that are troubled and troublesome in the extent that we are able to follow up with them, not to go in and do this one thing, but to follow through, whether it be a mentoring program or a tracker program, a youth attendant program. They have all kinds of names. But this is where the battleground is. It is at the neighborhood and community level and it is the extent that we can get volunteers, paraprofessionals, you know, the quasi volunteer and those kind of people involved in this fray that we are going to be successful and retrieve these young people.

A second characteristic is that there is a growing consensus at the local level, at the State and local level, that we need to direct our programs and our services at the risk factors that have been documented over and over again by the research. There are certain things that lead to failure, that lead to non-productivity, that lead to delinquent behavior and the list is, it is a long list, but there is a number of things. A lot have to do with failure in school. A lot has to do with poor family management, just a wide variety of things, and there is growing consensus out there to the extent that we can point our services, direct them towards those kind of individual needs, it will be successful.

And the final area is the emerging consensus that people change people, institutions do not and there are all kinds of programs out there. That is the wonderful thing about it. And just very quickly, the options program in North Carolina is a truancy based program for kids who have been involved in the juvenile justice system that has been replicated statewide that is having dramatic success with young people.

The Barron Assessment and Counseling Center in Boston is paying attention to young people that are picked up with weapons in school right when it first happens and turning that situation around. The youth attendant programs in States all over the country, including Michigan and North Dakota are having individual paid volunteers who work home detention programs and a wide va-

riety of alternatives that are very successful. And finally, there is the trackers in Colorado that Mr. Martinez mentioned, the trackers in Utah, a lot of other States, who are able to work with very small groups of kids on an intensive basis to have success.

Thank you very much for this opportunity.

[The prepared statement of Jim Brown follows:]

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Testimony of

James W. Brown
Community Research Associates

Before the

United States House of Representatives
Subcommittee on Human Resources
of the Committee on Education and Labor

September 27, 1991
Santa Fe, New Mexico

Good morning Chairman Martinez and members of the Subcommittee. My name is Jim Brown. Director of Community Research Associates, and I appreciate the opportunity to appear before you today to discuss issues related to the Juvenile Justice and Delinquency Prevention Act.

Since 1974, Community Research Associates has worked directly with over 2,000 state and local agencies in all 57 states and territories on issues related to the JJDP Act. During this work we have urged these agencies to examine youth crime and the administration of juvenile justice in a planned and systematic manner which emphasizes four important steps:

- Representative participation by all interested parties including lay citizens and youth;
- Collection and analysis of clear accurate data upon which to base policy decisions;
- Consideration of research-based programs and strategies to solve the problems at hand; and
- Close coordination and collaboration of public and private agencies at all levels of government.

It is our strongly held opinion that only in this manner can we reduce the incidence of youth crime and improve the administration of juvenile justice.

In the seventeen years since enactment of the legislation, an enormous number of people from virtually every nook and cranny of this nation have participated in the implementation of the Act. The primary responsibility for this effort has fallen upon the Office of Juvenile Justice and Delinquency Prevention, the State Juvenile Justice Specialists, and the more than one thousand individuals who are active at any one time as State Advisory Group Members. The accomplishments of these people have been significant in terms of reducing the high level of secure confinement of juveniles

nationwide. The states have dramatically reduced the secure detention of status offenders, decreased the number of juveniles in adult jails and lockups, and are in the early stages of the effort to reduce the disproportionate confinement of minority youth in secure facilities. While much remains to be done, the progress to date has been impressive and created well-developed models to complete the job in coming years.

It is important for the Subcommittee to understand, however, that accomplishments are not limited to new laws, revised policies, and lower levels of confinement. The unique value of the 1974 Act is that during the course of implementing the various mandates, state and local officials along with citizen advocates have carved out a whole new infrastructure for planning and service delivery which has yielded great benefits for youthful offenders while assuring public safety and the integrity of the court process. These accomplishments are evident in at least five areas.

- Public and Official Awareness. There is an increased public and official awareness which has moved the issues of juvenile justice and delinquency prevention higher on the state and local agenda. A one-day judicial training workshop resulted in a forty percent reduction in juvenile jailings in Virginia. Juvenile jailing was virtually eliminated in Montana once public officials learned of the perils of public liability. Public opinion polls continue to support the goals of prevention and rehabilitation in spite of the media's continued preoccupation with violence.
- Forum for Debate and Discussion. There is now a well-established forum for dialogue and discussion of the major issues related to youth crime that simply did not exist seventeen years ago. Special subcommittees of the State Advisory Groups in Michigan and Florida address the issue of

disproportionate minority confinement. Regional youth councils in Idaho and Oregon hold public hearings, establish local priorities, and gain long-term commitments from elected officials. Iowa and the Mariana Islands conduct annual youth conferences to gain insight on the needs of young people. Not only does this new forum provide discussion across practitioner lines but it provides an arena where interested citizens can be heard and participate in the process.

- Clear, Accurate Database on Youth Crime and Programs that Work. To an increasing extent, local communities are abandoning traditional practices of planning by "horror story" and insisting on clear accurate data regarding youth needs, existing practices, programs that work, and the incidence of youth crime. Examples include statewide assessments of youth-at-risk in South Dakota, Oklahoma and West Virginia; detailed examinations of youth arrests and referrals in San Francisco, Mobile, and Lawrence, Kansas; and comprehensive cost studies in Colorado and Nebraska. Many states have parlayed the initial monitoring requirements of the Act into full fledged information systems which provide important data for legislators and policy-makers for assessing due process, program effectiveness, and cost benefits.
- State/Local Partnerships. The experiences of the past decade have documented that the problems of deinstitutionalization and jail removal cannot be resolved completely by the state or local community acting on their own, or without the combined efforts of government officials and interested citizens, or by law enforcement without the courts or corrections. Coordination and collaboration are more than planning words in

communities which have successfully accomplished the mandates of the Act. The Juvenile Services Commissions in Oregon, the Local Crisis Units in Illinois, and the Community and Family Crisis Programs in new Jersey are all examples of state local partnerships which grew out of efforts to implement the goals of the JJDP Act. The importance of these efforts lie not only in the services provided but in the processes and relationships it has established for future efforts in the same communities.

- Continuum of Services Which Meet the Individual Needs of Troubled and Troublesome Youth. The last seventeen years has witnessed a continued downsizing of institutions, a decrease in the use of adult jails and lockups, and legislation and public policy changes in virtually every state which reduces our reliance on secure confinement. Concurrent with these developments have been flexible networks of community-based services designed to meet the individual needs of troubled and troublesome youth.

These services are characterized by the availability of around-the-clock screening and referral with followup services beyond the immediate crisis. In fact, whether we are talking about abused and neglected children, street kids, status offenders, delinquent offenders, or serious and violent offenders, it has become clear that the battle and the war will eventually be won through followup.

In addition, these services are based on a growing consensus that primary prevention for cities and schools should target well-researched risk factors documented by Robert Hunter and David Hawkins including:

- Low attachment to the neighborhood.
- Mobility and transitions between locations and schools.
- Laws and norms favorable to delinquent activity.
- Poor family management.
- Family history of drug use and alcoholism.
- Academic failure.
- Low commitment to schooling.
- Delinquent peer groups.

Finally, these emerging services have been effective because of a recognition that "people change people" and that troubled and troublesome youth will prosper through their relationships with stable, caring adults. In the best of all worlds this adult is a parent or family member. Absent these persons, communities and neighborhoods are turning to an army of volunteers, quasi-volunteers, and paraprofessionals who go by assorted names such as youth attendants, mentors, trackers, and proctors. These people, properly trained and culturally sensitive, are well positioned to assist young people through the mine-field of adolescent obstacles including drugs and alcohol, crime, teen pregnancy, dropout and illiteracy, health-related problems, poverty, homelessness, and exploitation.

We are fortunate that numerous effective programs exist across the country which can serve as models in this effort, including:

- *The OPTIONS Program* in North Carolina initiated in Lexington which has recently been expanded statewide. The program combines intensive family therapy with alternative classroom activities for youth involved in the juvenile justice system.

- *The 100 African American Men Mentoring Program* originated in Chicago is working directly with minority youth involved with the juvenile justice system and providing the essential followup services often lacking in traditional corrections programs.

- *The Barton Assessment and Counseling Center* works with youth caught with weapons in the Boston schools. The program involves assessment, conflict resolution counseling, alternative schooling, and followup services.

- *The Youth Attendant Program* in Michigan provides screening, supervision, and counseling for youth arrested and referred to court. Services include intake and referral, home detention, holdovers, and staff secure foster care.

- *Trackers* provide intensive supervision for a small number of young offenders in Utah, including followup and referral to community resources.

It is in this last area of strengthening the continuum of community-based services, particularly as they effect troubled and troublesome youth at the front-end of the juvenile justice system, that I urge you to concentrate the limited resources of the JJDP Act. Without these services in place nationwide, the mandates of the Act will not be completed.

Chairman MARTINEZ. I should thank you. Thank you very much. Mr. Noonan.

STATEMENT OF DENNIS NOONAN, OUR TOWN, TUCSON, ARIZONA

Mr. NOONAN. Thank you. Chairman Martinez and members of the staff of this committee, I would like to thank you for inviting me here. My area of expertise is my experience working with high risk youth and families in Tucson, Arizona and bringing an agency that started out back in 1974 as a federally funded program, part of the juvenile court called Mobile Diversion, to the status today which is Our Town Family Center, with a staff of 50 and a volunteer of 125, providing services to high risk youth and diversion programs and school based programs and prevention.

One of the things I am struck by is the fact that despite the system we have been able to continue to develop a program geared to the prevention and the early intervention programs. The 1974 grant was discontinued by the juvenile court in 1978 because the money ran out. It was not the concept. It was nothing more than, "The money is gone, so is our effort and enthusiasm in providing the service." The cars, the radios, the other things that were part of the grant stayed with the program. Thankfully, a group of ten volunteers who were also part of that initiative decided that the concept was worth pursuing, that it was worth going into the home of families at the first sign of problems, that when a child comes to you and is referred by a school counselor or walks into the juvenile court on a status offense or is brought to your attention by Child Protective Services, that that is the time to intervene and to act positively on behalf of that family to provide services.

We have kept that concept going. We kept it going through the funding of the original grant as well as the lack of enthusiasm later on by the juvenile court who chose again not to continue the funding of the concept back in 1979. What we have been able to accomplish is to build a program or agency around a concept that you can impact families if you choose to be aggressive in the way you choose to see things. You do not sit in your office and wait for someone to come in and say, "I have a problem." You go out and you provide outreach into the communities. You provide outreach into the systems. You go to juvenile court and say, "We have an interest in providing services to your high risk youth. Can we work out a deal where we can provide with you services to status offenders, and by the way, we have the money to do it," which is the kicker. The control of the money seems to be a factor in how services are rendered and how effective services can be.

What Our Town has done is to provide a number of services based on the early recognition of——

Chairman MARTINEZ. Mr. Noonan, can I interrupt you right here, because something keeps bugging me in my mind that I need to know.

Mr. NOONAN. All right.

Chairman MARTINEZ. The way you were funded, was that a discretionary grant?

Mr. NOONAN. The LEAA grant, I am not sure, Law Enforcement Assistance Act money.

Chairman MARTINEZ. Let me tell you why, because what keeps reoccurring on the evidence we have read so far is that, you know, there are two pots of money here. One is discretionary monies and the other is the formula funded money. And the discretionary monies, many of the programs may start out on the discretionary funds. Even though the programs are good and are accomplishing something, the office may decide to terminate the funds thereby terminating some very good work that is going on. And that is something that we have to find a way to deal with, too.

So if you can find out if it was discretionary.

Mr. NOONAN. I believe it was discretionary. It was a model project set up over 3 years in Pima County.

Chairman MARTINEZ. That was a discretionary grant. Thank you.

Mr. NOONAN. What happened was the lack of support of the juvenile court itself to continue the concept, was the problem that we saw. And the effort of the volunteer component which was part of the original program is what kept it going.

What we have been able to do in keeping that concept of providing services in home in the evening when the family is together, is to continue to reach the high risk populations by taking the priority four cases of the CPS system which are the cases that are called in but which rarely get any services and investigation, and provide services to those working under group and Child Protective Services, to provide services to those families, to work with the juvenile court along the lines of being able to, when law enforcement or when a family brings a youth into the court with a status offense, we dispatch a team of volunteer staff members from our office who go and work with that family in lieu of entering them into the juvenile court system.

We have also gone ahead and worked with groups like Head Start where we provide a series of parenting workshops along with the availability of 24-hour crisis intervention and home based services to those families as they need them. We have also developed school based programs with the same concept that the school has recognized their high risk population. The school knows who they feel are experiencing difficulties in the community or in their homes. What we try to do is support those students, those families and those teachers and counselors who work with them to provide home based services, community based and neighborhood services as an alternative to just telling those kids, "I am sorry you have to go find help. You need help, go find it someplace else."

And we have been effective in doing that. Like I said, our program has grown through various funding sources including money from Juvenile Justice. And we have been able to also secure United Way funds and local matching funds. The thing for me, though, that is most important to bring to your attention is that the inability of community based agencies to interact effectively with the system, the juvenile court system and Child Protective Service system prevention, early intervention programs, are seen as the fringe, are seen as the things that are going to be cut first. They are the things that do not relate to exactly what is going to happen when you have issues of substance abuse and gang involvement.

These services are often the ones that are cut off and funding minimized. What we try to do as an outside agency is secure the Federal funds to make it real for the court. Like I said before, we have control over the money from a community based perspective, provide the services to the court. We then have some control over how the services are rendered and it does not become a matter if it is cut because we need more money or we need a new building.

We found it to be very successful but, of course, as money continues to dwindle on the State and local level, it becomes more and more difficult. I think that what we found in working with youth, in answer to one of your questions that you put to the panel before, was that many of the youth that we see could have been presented to us from a mental health perspective, from a juvenile court perspective or from a Child Protective Service perspective. These kids, when you catch them early enough in that pool, can be dealt with by providing home based services much more effectively and much more cost effectively than the cost of putting them in institutions, separating the family and making the State or the government responsible for the behavior of the children. We have been successful because we have also stayed close to the initial plans that the original legislation had called for, which was diverting kids out of institutions as well as away from the CPS system. In my written testimony I give you examples of seven programs that we have, two of which I have already mentioned. Other programs like mediation programs, providing the schools in the communities as alternatives to conflict, teaching kids the process of communication since most of the families we see recognize discipline and communication as key problems that have led to them running away or having problems in the home.

Also I have made several recommendations around the issue of—addressing the problems that families face from a comprehensive approach. If there is available services 24 hours a day, 7 days a week, to families that are experiencing difficulties, the likelihood of catching them early in the process is much more realistic. As long as there is a network, a safety net, utilizing the existing community resources, we stand a much better chance of catching these kids before they become gang members, before they become drop-outs. And also the issue needs to be localized.

The community of Tucson should not have to take a program that has been developed in Chicago and implement it because somebody thinks it is a good program. The merits of programs in local communities needs to be recognized and a mechanism put in place to encourage the development of new and innovative programs rather than buying a program off the shelf. I think that is a real concern nowadays when you look at concepts that might work in one or two isolated instances but not necessarily work on the total picture, especially with the diverse population we face in the southwest.

Among the other recommendations I have made is that we look at 24-hour drop-in centers, not just for parents but also for law enforcement as alternative places to bring youth rather than taking them to juvenile court. And also, although the juvenile justice advisory committees serve a very useful function in Arizona in the last few years have done very good work in the area of bringing us into

compliance, the issues on a local level are a little more specific to whether there should be a teen pregnancy program in Ajo or whether there should be a drop-out prevention program. I think giving control to the local communities on how prevention and how these programs are developed is real important and can be done by involving the Child Protective Services, the churches, the local groups that make a community possible.

In some areas it might be a group of three people. In other communities it might be 12 or 14. But let them have some say in how monies are spent and how services are rendered. And I think that will be a much more positive way to look at the limited resources and coordinate efforts on the local level and impact children based on what the needs of that community are, not whether the money is in substance abuse, gangs, homelessness or any other categorical problem that we see from a Federal or State level.

Also I would like to see the Department of Juvenile Justice, who when I was in Washington I visited to ask some questions, a little more responsive and a little more knowledgeable about what is going on in the communities. It took me two days to find somebody to talk with and then when I talked with that person, they were not aware of what I was aware of what was occurring in the community. And that is a level of frustration for providers who are looking for some type of information relevant to provision of services.

I know kids take drugs to school. I do not need to read about the study that said they do. I need to know what is effective in stopping that from happening. I think the need for collaboration, not just for operation, is important. I gave you a copy of one of the things that we developed locally in Tucson, a bag with on one side all the resources available to homeless youth and homeless adults and a map of the community on the back and also two condoms in it, which is something—with shampoo and other items that we give to the kids on the street.

I imagine it would be a little difficult for the juvenile court or the State Department of Child Welfare to get away with that, but non-profit agencies through their Boards of Directors, can initiate programs like this. And I think the most important part of the whole bag concept here is that there is three agencies listed here. Ronald McDonald Children's Charities, Department of Health and Human Services and the United Way, made this kind of outreach effort possible.

I think we need to look more at those type of programs and less at the little target areas that we seem to be developing throughout. I would also like to say that one of the positive resources for community based agencies is the National Network for Runaway and Homeless Youth Services, a valuable resource for us sharing information and getting our information across. And I think that is something that if at all possible, to bring some of those people in to discuss some of the merits of programs like this with your committee. Thank you.

[The prepared statement of Dennis Noonan follows:]

TESTIMONY BEFORE THE SUB-COMMITTEE ON HUMAN RESOURCES

COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
REAUTHORIZINGATION OF THE JUVENILE JUSTICE AND DELINQUENCY ACT OF 1974

INAUGURAL HEARING IN SANTA FE, NEW MEXICO
SEPTEMBER 27, 1991

SUBMITTED BY:

DENNIS W. NOONAN, M.S.W.
EXECUTIVE DIRECTOR
OUR TOWN FAMILY CENTER
P. O. Box 26665
TUCSON, ARIZONA 85726

TESTIMONY ON NEW AND INNOVATIVE PROGRAMS FOR EARLY INTERVENTION AND PREVENTION SERVICES.

Chairman Martinez and members of the Subcommittee, I would like to thank you for inviting me here today to share with you my experiences related to working with high risk youth and the juvenile justice system. I am elated by the subcommittee's desire to explore new and innovative ideas on programs that provide early intervention and prevention services aimed at reducing and preventing juvenile delinquency and crime.

My being here today began for me fifteen years ago when I became a volunteer for the Mobile Diversion Program at the Pima County Juvenile Court in Tucson. The program funded by a Federal Law Enforcement Assistance Act (LEAA) grant provided for mobile teams to respond to cases of status offenders (CHINS, PINS) reported to the court by parents, law enforcement, schools and child protective services. Staff and volunteer teams responded in the evening hours to provide crisis outreach assessment and referral services to "youth and families". The goal was the deinstitutionalization of youth by providing on-site, next day, or home based counseling to families. This type of program, as well as the use of alternative placements such as youth shelters, was directly developed through the LEAA funding. Today those programs which survived make up the core from which many of the existing youth service centers/shelters funded by JODHPUR and the Runaway and Homeless Youth Act today. Unfortunately it is only because of the efforts of community based organizations that even a few of these programs continued to operate beyond the federal funding cycle. As was the case with the Tucson Mobile Diversion Program, the juvenile court discontinued the program when funding ran out. Vehicles, equipment, radios, etc., remained with the court and had it not been for the efforts of the volunteers who worked as team members and a concerned caring community, the concept would have ended in Arizona as it did in so many communities in 1978.

It is with a sense of pride and the experience of the fifteen years that I am here today for the same concepts continue through OUR TOWN Family Center. The range of services has grown to encompass prevention, early intervention, shelter, transitional living, mediation and intensive family preservation programs; utilizing 125 volunteers, forty staff, from what once was no staff, ten volunteers and zero funding in 1979. I applaud the subcommittee for allowing representatives from organizations like OUR TOWN to share their experience and insight in these hearings surrounding reauthorization of the Juvenile Delinquency and Prevention Act.

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At a time when gang violence, satanic and ritual murders, hate crimes, rape, and more violent crimes are being committed by youth, I am encouraged by your request to look at prevention/early intervention approaches. For so long it has seemed the OJJDP has been more concerned with reports on juvenile crime than on its prevention. I hope that this subcommittee will help reverse the emphasis on prosecuting youth as adults and take the lead in fostering family and community based solutions to the escalating problems of juvenile crime and delinquency. The statistics speak for themselves and the Department of Justice has invested much time and effort in data collection and reports. I am sure the subcommittee will hear statistics from other presenters and reports during your process. I refer you to the General Accounting Office report on homeless and runaway services GAO/HRD 90-45, the William T. Gant Foundation publication, current Federal Policies and Programs for youth and the report of the National Commission on Children, "Beyond Rhetoric-A New American Agenda for Children and Families 1991" for additional non-Department of Justice justice oriented material on the issues of youth and families. I also hope you will consider viewing "Streetwise", an academy award nominated movie available at most video rental shops which depicts life on the street for homeless youth and their lives of crime and desperation in order to live from day to day as an additional source of understanding of youth caught on their own with no place to turn.

COMMUNITY PROGRAM DEVELOPMENT:

As I have noted, OUR TOWN Family Center began in 1979 as an incorporated, non-profit family service agency, maintaining the same approach to services but on a much smaller level, as the original program. Through small grants from foundations and the United Way, the agency began a slow growth until 1983 when grant writing and service reputation led to larger and more stable funding. The programmatic growth of the organization was based on volunteers and staff perception of the needs of the youth and families we served. The key concepts for the development and growth of our agency are found in our focus on Family and Community. These focal points often placed our agency in an adversarial relationship with the juvenile court and Child Protective Service procedures. Their focus was on the child and in most cases limited attention to family or community. That has begun to change locally. It is wonderful to see some attention nationally on the benefits of early, broad-based services. OUR TOWN developed an array of services to meet the needs of the total community of the child. Youth suicide, date rape, teen violence and child abuse prevention programs were developed and implemented in schools and communities. Mediation programs were developed to offer a nonviolent communication model to help resolve disputes. Programs in neighborhoods, divorce/custody, school peer and parent/child mediation

are now provided. Residential services through a youth transitional living and brief teen shelter have also been developed to address the needs of youth and families in our community. Our core program, the Mobile Diversion service, has been the central point of the development of the above noted programs, as well as our Homeless Street Outreach program, Head Start and School Assistance Program, the Juvenile Court Diversion Program, Child Protective Service Assistance project and the Intensive Family Preservation Project. I offer this overview of our organization and program explanations, as an example of how community based agencies develop and interact with child welfare, juvenile justice and school systems to meet the needs of high-risk youth and families. In most cases it is the community based agency which must initiate, nurture, fund, and defend these joint approaches to services due to a lack of shared vision, commitment and mandate by the systems to early intervention, prevention, and family focused services. In many cases, as children's service system staff is changed so too is the commitment of the system to working with community based social service agencies. The following examples of programs effective in diverting youth from court and welfare services and strengthening families in the school and home environment are provided here for your review. Please note that as difficult is it is to service youth and families with multi problems, and with limited resources, it is just as difficult to coordinate services with schools, courts and protective services and will continue to be a problem until Federal, State and local government funding sources provide the leadership in making joint efforts required as part of on-going funding for general operations of these large bureaucracies.

PROGRAM EXAMPLES:

Missing Children's Task Force

In 1985 in response to the abduction and murder of several local children, a coordinated network composed of two law enforcement agencies, juvenile court, the county attorneys office, and three social service agencies came together utilizing a federal missing children's grant. Over three years a system where all reported cases of runaway youth county wide were referred to the Family Crisis Services at OUR TOWN for counseling and support. The system recognized high risk families, referred youth to existing community services, and provided closure on all runaway cases for law enforcement. Mobile teams responded to the home or made office appointments were set-up seven evenings a week. Over 1500 cases a year were served. The program ended in 1988 when the weak support of the Pima County Juvenile Court for the program was withdrawn. They sought an easier system with less services and more families served by phone. The attached Court Intake form was given by police to each family where a runaway

report was taken; it shows how joint efforts can be incorporated into an existing system (see attached form). The program was effective with families but was plagued by constant change of law enforcement and court staff assigned to the project. Commitment from the top down was not consistent. Families experiencing difficulty often face acting out behavior such as running away as the first sign of problems which could, if not dealt with immediately, lead to future serious crime or delinquent behavior.

Head Start/Carrillo Middle School Program

In 1990, OUR TOWN began a prevention early intervention project with the twelve Head Start Centers in Tucson. OUR TOWN staff provides two workshops per year to parents at each site. As part of the workshops, the home based crisis intervention services is highlighted. All services are bilingual, bicultural. Families can access services directly by phone and are eligible for other OUR TOWN services.

The Carrillo School Program provided in a local desegregated magnet school provides three parent workshops, two teacher in-service trainings, home based services to 100 of the most at-risk youth at the school, and provides a counselor two afternoons a week for youth group and teacher consultation. The program works to enhance the community, school and home relationship. Parent workshops are provided at the school, the low income projects and local neighborhood center. Both these program combine primary prevention and early intervention to populations recognized as high-risk due to income or crime rates in their areas and recognition of "problem" children by teachers or parents.

School Mediation Project

This project seeks to provide youth exposure and experience in alternatives to conflict resolution and teaches a basic communication model for use in school, home and community. A general school wide assembly is conducted, the mediation process taught, and program explained. Several students are selected by the students to serve as school mediators. The process is then used on the playground, in the classrooms and the students work with the teachers and administrators trained in the model to resolve parent/child or other appropriate situations. The project teaches and models successful resolution of problems through communication. Truancy, fights, and parent child rules are typical areas where this model has proved effective. OUR TOWN has used mediation in gang issues, neighborhood disputes, divorce and custody situations. Volunteers are the cornerstone of this program and it is applicable to home, work, school and community.

C.P.S./Juvenile Court Diversion Program

In response to escalating numbers of referrals to child protective services, OUR TOWN takes referral of 80 cases a month from C.P.S. of low priority reports of abuse. These cases would otherwise not be seen by C.P.S. Child Protective Services sends a letter to each family with a copy sent to OUR TOWN. Our staff calls and arranges to visit the family. They assess the level of need and refer the family to existing community services. Child safety issues are paramount and if further C.P.S. involvement is needed, the case is returned for C.P.S. investigation and services.

OUR TOWN teams respond to the Juvenile Court from 2:00 p.m. to 10:00 p.m., five days a week when family or law enforcement physically bring a youth to the court for a status offense. OUR TOWN works with the family to resolve the issue, set new plans for follow-up services and calls the family to check status at 3 or 6 months to see how they are doing. Neither C.P.S. or the court pay for the service nor are the clients charged. Local funds and Department of Health and Human Services contracts help support the projects. When we control the money, the buy-in on the part of the child welfare system is much more likely to continue.

RECOMMENDATIONS:

The availability of immediate services or referral can have a major impact on family stability and the utilization of services by families before severe problems occur. The following recommendations speak to a base of services which would help families and communities to help themselves.

(A) Each community should be required to offer baseline or core services utilizing existing community based agencies. These services should be supported by all child and family welfare organizations and include:

* 24 hour crisis hotline (1-(800)-53A-TOWN)

*24 hour drop in center or drop off center where families can receive counseling and where law enforcement can drop off status offender youth and family non-juvenile services can be rendered free or on a sliding scale fee.

*Home based outreach services, when appropriate, should be provided on referral from school, Child Protective Service or family request during evening hours within 48 to 72 hours of referral.

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*A committee composed of law enforcement, parents, youth, social service agencies, schools, juvenile court, child protective service and church and neighborhood representatives should be set up, not just on a state level, but on local levels to oversee, advocate and support prevention, early intervention services in funded communities. Core services should be maintained special needs recognized and joint programs encouraged.

(B) FEDERAL FUNDING OF LOCAL AGENCIES

Funds directly available to family and youth service agencies and coordinated community consortiums need to be enhanced. Innovative, culturally and community responsive efforts rarely result from state controlled or system generated sources. Financial stress on these systems result in funding going to existing traditional programs which too often fail to address the emerging needs of youth and families.

While the current Juvenile Justice Advisory Council in Arizona has done a good job and is responsive and proactive in allocating the limited available funding, this has not always been the case and is not the case in other states. Direct federal contract with community-based agencies allows for more creative and larger impact programs conducive to the needs of the local communities and can then be coordinated with statewide juvenile advisory groups.

This testimony represents the efforts of one agency, one group of concerned individuals in Tucson, Arizona. Many similar programs exist nationwide and have adapted or are willing to adapt their services in similar ways in an effort to provide services geared to prevention and early intervention, avoiding later hard core youth and family dysfunctions. OUR TOWN is an active member of the National Network of Runaway and Youth Services. As members we have seen the movement of other member agencies to provide a full range a services to youth and their families. The network serves as a valuable resource on current trends, needs and direction for many youth/family agencies and an advocate for youth in need. I hope this subcommittee will look closely at enhanced funding for OJJDP and in the reauthorization the development of joint efforts by law enforcement, courts and community agencies.

Thank you again for this opportunity to present testimony to you this morning.

ADDITIONAL RESOURCES

Homelessness:

Homeless and Runaway Youth
Receiving Services at Federally Funded Shelters
United States General Accounting Office
Washington, DC 20548
GAO/HRD 90-45

Current Federal Policies and Programs
for Youth Youth and America's Future
The William T. Grant Foundation
Commission on Work, Family and Citizenship

Beyond Rhetoric:

A New American Agency for Children and Families
Final Report of the National Commission on Children
1111 Eighteenth Street, N.W.
Washington, DC 20036

Streetwise:

Angelika Films
New World Video
Los Angeles, California

PIMA COUNTY JUVENILE COURT CENTER
2225 East Ajo Way
Tucson, Arizona

RUNAWAY REFERRAL
PARENT/GUARDIAN/OTHER CUSTODIAN'S PROMISE TO CONTACT
FAMILY CRISIS SERVICE (FCS) AT 323-1707

AGENCY

TPD ☐ UAPD ☐
PCSD ☐ OVPD ☐
STPD ☐ MMO ☐
DPS ☐ PCC ☐
Other _____

Law Enforcement Report Number

Connect-up Number

Arresting Officer Badge #

****

CHARGES INFO

YOUR SON/DAUGHTER _____ Name of Juvenile _____ Date of Birth

WAS ARRESTED _____ Date _____ DATE _____ Time FOR THE OFFENSE OF

RUNAWAY A VIOLATION OF ARS 8-223.

SIGNED _____ Officer Releasing, Badge Number _____ Date _____ Time

NOTICE TO PARENT

AS A CONDITION OF RELEASE, A JUVENILE'S PARENT/GUARDIAN/OR OTHER CUSTODIAN MUST GIVE THEIR WRITTEN PROMISE TO CONTACT THE FAMILY CRISIS SERVICE (FCS).

COMO CONDICION DE LIBERTAD, EL PADRE/TUTOR Y OTRO CUSTODIO DE EL/LOS JUVENILES DEBEN DE ASEGURAR POR ESCRITO DE COMUNICARSE CON FAMILY CRISIS SERVICE.

I HEREBY GIVE MY WRITTEN PROMISE TO CONTACT THE FAMILY CRISIS SERVICE (FCS) REGARDING MY SON/DAUGHTER/WARD FOR AN INTERVIEW CONCERNING THE OFFENSE OF RUNAWAY.

POR LA PRESENTE, DOY MI PERMISO POR ESCRITO DE PONERME EN CONTACTO CON FAMILY CRISIS SERVICE (FCS) CON RELACION A MI HIJO(A)/TUTOR PARA UNA ENTREVISTA CON RELACION DEL DELITO DE FUGA (RUNAWAY).

I WILL TELEPHONE FAMILY CRISIS SERVICE IN NOT LESS THAN THREE OR MORE THAN FOUR DAYS BETWEEN 4:00 P.M. AND 9:00 P.M. AT 323-1707 TO MAKE AN APPOINTMENT FOR INTERVIEW.

ME COMUNICARE CON FAMILY CRISIS SERVICE POR TELEFONO NO MENOS DE TRES O MAS DE CUATRO DIAS ENTRE LAS 4:00 p.m. y 9:00 p.m. al 323-1707 PARA HACER UNA CITA PARA LA ENTREVISTA.

PARENT/GUARDIAN _____ Relationship _____

HOME ADDRESS _____ CITY _____ STATE _____

HOME TELEPHONE NUMBER _____ BUSINESS TELEPHONE NUMBER _____

WHITE COPY COURT COPY YELLOW COPY LAW ENFOR RECORDS PINK COPY
PARENT/GUARDIAN/OTHER CUSTODIAN GOLDENROD COPY FAMILY CRISIS SERVICE

OUR TOWN FAMILY CENTER (OTFC) is a community agency which offers the following services to young people and their families.

RESIDENTIAL PROGRAMS: 323-1708, Robert E. Cannon, Program Manager

Transitional Group Home: Program focuses on adolescents needing independent living skills and alternative housing services. Staff provides case management, skills classes, housing, group, individual counseling and advocacy. This program is for high risk and special needs youth.

Reunion House: Crisis Counseling/Intervention with youths and their families experiencing stress and having a need for short term separation.

YOUTH OUTREACH PROGRAM: 323-1706, John Vasquez Bedoy, Program Manager

High Risk Youth Outreach: OTFC has a 24-hour, 7 day a week crisis phone. Crisis teams provide intervention services on an in-home or in-office basis to youth under 18.

Substance Abuse Intervention: Offers group counseling for youth needing alcohol and other substance interventions, sponsors AA, NA, Al-ATeen groups.

meless Youth Street Outreach: 323-1706 or 1-800-53A-TOWN (1-800-537-8696) Mobile outreach teams cruise streets in areas frequented by homeless youth. They make contact and provide for basic services such as food, clothing, shelter and medical information. Self, school, agency referrals.

Juvenile Runaway Diversion: OTFC responds to Pima County Juvenile Court Center to assess and refer 1st and 2nd time runaways referred by law enforcement.

Project Safe Place: Offers intervention to youth contemplating running away or to those already on the run, in collaboration with other community agencies and businesses.

FAMILY PRESERVATION: 323-1708 Dawn West, Program Coordinator

Family Preservation: An intensive, home-based program to prevent out-of-home placement of children. Teaching families the skills to change their environment to keep the child safely in their home.

MEDIATION PROGRAMS: 323-7862

Community Mediation Program: Offers an alternative means for resolving disputes involving individuals, current or former family members, neighbors, small claims and small groups, without violence or court intervention; assists parties in reaching a mutually satisfactory solution that is peaceful and continuous. Specialized bilingual/bicultural services are provided at the El Pueblo Neighborhood Office (746-0914)

School Peer Mediation Project: Provides training and consultation to elementary and secondary schools wanting to implement peer mediation program in which students help resolve conflicts between other students. Contact Dan Meyer at 323-7862.

Divorce Mediation: Offers divorce, child custody, and visitation mediation service on a sliding fee scale. These mediation can address both parenting agreements and financial/property issues, as well as post-decree modifications. Contact Linda Devoy at 323-7862.

(more on reverse)

FAMILY COUNSELING PROGRAM: 323-1708 Jennifer Titley, Program Manager

Family Counseling Program: Provides short and long-term individual family and group services, and play therapy to children and their families. Bilingual/Bicultural staff available. In-home, office and evening services.

Employee Assistance Program (E.A.P.): provides counseling, mediation services and workshops to employees of business on work-related, family or interpersonal topics.

PREVENTION EDUCATION: 323-1708, Joel Sadowsky, Program Manager

Child Assault Prevention Project (CAPP): An elementary school program that teaches children effective strategies for dealing with potential physical and sexual abuse. Live role plays are used to explore prevention strategies that are most effective for youths.

Suicide Prevention: A high school based project designed to provide teenagers, parents and teachers information, resources and skills to halt the increasing number of teenage suicides. In conjunction with HELP-ON-CALL 323-9373 or 323-1708

Self-Steam Latch Key: A child/parent training program for positive self-concept provides models for children of working parents or specialized school populations.

Teen Violence Prevention Program: Provides information, skills and resources to aid in the prevention of teen relationship violence and date rape. Targeted for junior and senior high students, their parents and school personnel, it has the unique component of utilizing the drama students from each school to perform in the presentations. Follow-up classroom component to reinforce the prevention message.

Teen Pregnancy Prevention Program: A junior and senior high school program that provides teens, parents, and teachers with the information, skills, and resources needed to address the risks of sexual activity and the difficulties of teen parenthood.

ENRICHMENT FOR PARENTS: 881-0935. A program dedicated to the education, support and enrichment of families as they grow and change. Parenting skills are taught to individuals at an appropriate time in their lives – while they are experiencing actual parenting situations. Community workshops available.

COMMUNITY EDUCATION: 323-1708; Don Boyd, Training Coordinator. Conducts trainings and workshops in conflict resolution, mediation, working with angry people and supervisory problem solving skills; training of trainers; and staff development training. Workshops and training programs are available for schools, groups, business and government organizations.

VOLUNTEER TRAINING: 323-1708, Judi Smith, Director of Volunteer and Community Services. Provides training to potential volunteers and interested members of the community in the following areas: youth crisis counseling, street outreach work, mediation, child abuse prevention, suicide prevention and substance abuse prevention.

National Presidential "Point of Light" Award Recipient - April 4, 1990

Helping Families Help Themselves

P.O. Box 26665 Tucson, AZ 85726

Chairman MARTINEZ. Thank you. Listen, I am great at plagiarizing good ideas. If that is not copywrited, I have a great use for it.

Mr. NOONAN. This came from the kids' idea, too, what would work for homeless individuals, homeless children? They said, "Well, you know, business cards that are dropped in here are nice," but we also have the problem of making cards waterproof and things that would last and we thought about drug abuse, coke lines and using those cards for that. We asked the kids what would work for them, and this is what they came up with as their ways with dealing with, this is where laundry goes, and clothes go and it is waterproof and has the map of the area and all the other resources available to them.

Chairman MARTINEZ. Great idea.

Mr. NOONAN. So it has been helpful.

Chairman MARTINEZ. Thank you. Mr. Bacca?

STATEMENT OF CHRIS BACA, YOUTH DEVELOPMENT, INC., ALBUQUERQUE, NEW MEXICO

Mr. BACA. Thank you very much, Congress Martinez. My name is Chris Baca, and I am the chief executive officer of Youth Development, Incorporated and I have been a director there for the last 18 years. We are a community-based project that started in 1968 as a way of the community getting together to prevent juvenile delinquency. At that point in time, the south valley of Albuquerque, New Mexico, which is where I am born and raised, was experiencing the highest juvenile delinquency rate in the State of New Mexico, or at least the arrests were there.

In the neighborhoods, families in the neighborhoods, got very concerned because the institutions were not very responsive to a largely minority population and a largely minority population in the jails. And as a result of this community involvement Youth Development was formed in 1971. And our primary mission is to assist in the healthy and positive development of our children and youth.

We believe that at-risk youth's problems originate in the home and community environment and we believe in the dignity of the individual and the importance of the family as the base unit to effect positive change. In order for juvenile justice problems to be solved, a holistic approach has to be utilized. Many problems, such as drug and alcohol abuse, gang involvement, adolescent pregnancy, child abuse, low self-esteem and low achievement stem from poverty, ignorance and lack of nurturing.

Restoring dignity, respect and trust have been the basic steps taken by YDI as a service provider to begin the reparation process for the individual and the family and thus, the community. During the past 20 years, YDI has addressed these issues using a holistic continuum of care approach.

Since the inception of our program, our emphasis has been to reach out to these high risk youth who avoid, drop out or cannot deal with traditional institutions such as the public school system, the probation system, the government implemented programs that are out there and imposed on communities. Our approach has been proven not to be only cost effective but more important truly effec-

tive in the areas of dealing with the individual's problems. Because we are able to focus on the multi-problem issues of families and individuals, they are able to receive services at once and not be shunted from one place to another and thus, get lost in the system.

We have expanded to include almost every aspect of youth services. One of the things that we have tried to do is rather than piecemeal our programs, is again utilizing the community as our base of support, and begun to address programs not only in the education area, the juvenile delinquency prevention area, the counseling area, the correctional area and the economic development area, but melded all those approaches together.

Some of the examples of the programs that we have, and we have well over 40, are for instance, our Project Succeed, which is a stay in school program, a drop-out prevention effort that this year was recognized by the President and the Department of Labor as the most effective effort at preventing drop-outs. What we have done essentially is create smaller, more supportive classroom environments within the school that we staff and that we provide not only the teachers, but the counselors and the job developers and the family prevention specialists.

We have replicated that program in Valencia County, the county south of Bernalillo County, using a different approach in which we used the young people themselves to tutor younger children. We have a program that was recognized again by Department of Labor and the President in 1988, which was a retrievable program for kids that had already dropped out and had been lost in the system for years. Many of them were now 19 and 20 years old, with two and three children, and never had a job. They had never gone back to school. They had multiple barriers: teen pregnancies, drugs, criminal offenses. With that particular program, we are able to put them back into a classroom situation and back at work and an ability to receive their diploma.

So we are not giving up on kids which is a real important part of the work that we do, the follow-up that somebody mentioned. We just do not let them go after they serve their 6 weeks. We have set up an independent living program that provides counseling and training, education and training for youth on Federal subsidized substitute care. There is a lot of kids in foster care that are not receiving the kinds of services that they could. And they go again from one family to another and are not put in a situation where they can eventually learn how to fend for themselves.

We have residential programs like Much More House, which provides 24-hour supervision for severely mentally disturbed children. Somebody mentioned abuse. The children that we have in this program, as young as 8 years old and as old as 17, have been severely abused. And people do not realize it. The reason they have a mental illness like schizophrenia is because they are trying to escape a reality that was so horrible that the actual disease is better for them than actually having faced up to that terrible abuse that they faced in their early years.

Unfortunately, in all of our programs we are beginning to see more and more cases of abuse; sexual, mental and physical, not only for females but for males. We have Amistad Crisis Facility which is a runaway facility. We have Casa NorEste. We had to

form another home because there were so many runaways, actually homeless youth, because the act itself says, "Your kids can only stay in there 2 weeks," we are having to bounce kids back out because you could not keep them any longer than that.

And we had to open up another facility that had more flexibility in keeping kids in there for a longer time because you cannot fix kids' problems in 2 weeks. As a result of that, we also had to set up another program, a transitional living program, which is an innovative effort through which young people will transition from semi-supervised independent living arrangements to permanent housing. We have just had our first family, young family, buy their home this past week. They had been homeless 6 months ago. Six months ago they entered into our program and within 6 months they have been able to buy their own home which is the American dream.

Counseling programs, we think they are very, very important to at risk kids, are actually targeting specific areas where we know there are many at risk families. That tends to be housing projects in low income areas. Children in need of supervision counseling programs. We involve our young people in these peer substance abuse prevention which provides them to be the primary educators and imparters of knowledge in terms of substance abuse prevention.

We have always done outreach counseling. We have not sat back, as the individual from Arizona, Mr. Noonan mentioned, sat back and waited for clients to come in. It will never work that way. So we outreach into all areas of the city, especially those areas where there is a high degree of crime.

We have corrections programs like the First Offenders Programs. The Gang Intervention Programs, as Ms. King noted that way back in 1978 when I was talking to the leaders of our community about the fact that we had gangs and we had gang problems, nobody paid any attention except for the juvenile justice advisory group. And they gave us a small seed grant. Up until 2 years ago gangs were not in the headlines in New Mexico, and now they almost dominate the picture in Albuquerque. And it is beginning to spread to other communities throughout New Mexico, but the JJDPA had the foresight to be able to help us to beginning planning efforts to prevent further gang formation.

We have an Institution Diversion Program that provides presentencing alternatives to the courts for serious delinquent juveniles who might otherwise be institutionalized. Some of that was addressed today.

We have Teatro Consejo which uses puppetry, music, dance and theater as the primary modality to educate and prevent substance abuse. We have project DeSIDA, which provides HIV prevention and education for IV drug users and their families. Project Poder, another program that specifically targets public housing areas. What ends up happening is that you concentrate large numbers of at risk families and because you have provided them housing, you think they are going be okay. It ends up beginning to be an area where much crime is concentrated because no other services have been delivered there.

We also have become the AIDS education and trainers for this State, specifically for those who work with high risk adolescents.

We provide 24-hour drop-in centers in housing projects. We believe very much in youth motivation and we have programs designed to involve young children, 6 to 12, in organized sports. It plays such a critical role in providing many of our young people meaningful ways by which they can involve themselves.

And we do latch key recreation for after school programming and we have done that for the last 20 years. Latch key is nothing new to Youth Development. And then we do employment which we believe is a way that we can concretely demonstrate to our young people what they are worth. A lot of us give lip service to how valuable our young people are, but we never help them recognize their true value by hiring them and giving them jobs and providing them a way by which they can provide for themselves and their families.

We provide, of course, a summer youth employment and other JTPA programs. Quite recently we have set up youth enterprise systems by which we provide young people with hands-on experience in business environments. And we have started a painting company. We are now painting contractors and we are an apprentice program where our young people are beginning training to become journeymen and we just opened up a restaurant, in which they are being trained to be restaurant managers and chefs.

We have opened up a desktop publishing firm by which they are learning computer skills. And also to our program, we have set up a whole economic development program, which will house revenue generating activities. These activities will assist our programs to supplement the rising costs of providing high quality direct services which truly meets the needs of our commun.ity. We cannot sit back, communities cannot sit back and wait for the Federal Government or the State or the local governments to give them money to solve their problems. We have to take concrete action to do that and we have done that by setting up our own businesses.

We believe very firmly in education and we provide numerous scholarships to our young people. We have set up the New Mexico Teen Institute, which is a leadership institute that helps develop leadership skills for our young people. These are our leaders for the future and we cannot ignore them and we have to provide them every opportunity by which they can sharpen their skills as leaders.

We have successfully melded child and family, private and public, community and city, into one of the most comprehensive and successful efforts in the Nation to address at risk youth issues. Our staff, itself, averages 16 years of employment with the corporation, a senior staff with at least that many years, and we have been able to achieve this kind of status and recognition numerous times in terms of awards which really do not mean anything unless you can go forward, by basically following this philosophy; first of all, to create change, to take risks, to accept responsibility and to be accountable for our actions, to respect all people, to promote unity, trust, pride and to exemplify dedication to our mission, to achieve a high quality of work life through involvement of all people in an environment of openness and fairness in which everyone is treated with dignity, honesty and respect, to promote good communications among all employees and clients and operate in an atmosphere of

freedom to share ideas and speak one's mind without fear of reprisal, and to do all that we can to help our clients and their families to achieve their full potential, to treat them with dignity and respect and to listen to their needs and to do our best to help them to become healthy, whole, contributing citizens to this great society of ours.

Thank you for your time and effort. I am available to answer any questions.

[The prepared statement of Chris Baca follows:]

STATEMENT OF CHRIS BACA, CHIEF EXECUTIVE OFFICER, YOUTH DEVELOPMENT, INC., YOUTH ENTERPRISES SYSTEM, INC., AND FOUNDATION FOR YOUTH, INC.

Thank you for this opportunity to testify before the Subcommittee on Human Resources. I also want to welcome you to Santa Fe, the beautiful capital of New Mexico.

My name is Chris Baca and I am the Chief Executive Officer of Youth Development, Inc. and have been for the last 18 years. YDI is a comprehensive community-based youth services organization in existence since 1971. Our primary mission is to assist in the healthy and positive development of our children and youth. We believe that at-risk youth's problem originate in the home and community environment. YDI believe in the dignity of the individual and the importance of the family as the base unit to effect positive change.

In order for juvenile justice problems to be solved, a holistic approach has to be utilized. Many problems such as drug and alcohol abuse, gang involvement, adolescent pregnancy, child abuse, low self-esteem, and low achievement stem from poverty, ignorance and lack of nurturing. Restoring dignity, respect, and trust have been the basic steps taken by YDI as a service provider to begin the separation process for the individual and the family. During the past 20 years YDI has addressed these issues using an approach of holistic continuum of care.

Since the inception of YDI, our program emphasis has been to reach out to those high risk youth who avoid, dropout or cannot deal with traditional institutions such as Albuquerque Public Schools, Juvenile Probation, and government implemented programs. our community-based approach has proven not only cost effective but more importantly, truly effective In the areas of dealing with the Individual's problems. The fact that YDI utilizes an in-house/multi-youth support approach, enables a client to receive a variety of support services. Since its inception, YDI has internally expanded to include almost every aspect of youth services.

The components currently providing services under the YDI umbrella are as follows:

EDUCATION

Project Succeed—Stay-In-School: Serves in school youth (14-18) who are on the verge of dropping out. The program includes small individualized classroom instruction in math and English, counseling services, after school employment and a parental involvement program. The goal is for students to remain in school, improve grade and attendance and graduate from high school.

Valencia County Dropout Prevention Program: This Stay-In-School Dropout Prevention effort is designed to serve high school youth (14-18) at risk of dropping out. A combination of tutoring and counseling serves make this program in the effort to assist young people to further their educational goals. The students participating must attend Belen or Los Lunas High Schools and meet JTPA low-income criteria.

GED Prep/Entry Employment Program: A State accredited alternative educational program which serves high risk youth (1621) who have failed in the traditional school system. The student attends a structured educational program for 15 hours per week and works on community improvement projects for up to 20 hours per week. Participants are paid for work experience.

Independent Living Program: A youth counseling and training program which provides education/training for youth who are in federally subsidized substitute care. The program assists youth to prepare themselves to live independently while continuing their education and employment goals.

RESIDENTIAL

MuchMore House: Provides 24 hours supervision for severely mentally impaired children. Services include individual group aid family therapy to address each youngster's problem area so that they may return to the community.

Amstad Runaway Facility: A youth crisis and runaway facility for children 13 to 17 years old. The basic function of Amistad is to meet the immediate needs of youth in crisis such as food, shelter, and counseling for a period ranging from 1 day to 3 weeks.

Casa NorEste Chronic Runaway Facility: Provide residential care to youth (13–17) who have been identified as chronic runaways. Casa uses a psycho-educational approach which stimulates self-motivation to break the patterns of runaways.

Transitional Living Housing Program: An innovative effort through which young people will transition from semi-supervised independent living arrangements to permanent housing. Successful clients will develop both employment and living skills-necessary to leading productive lives and have the potential to acquire their own homes through this project.

COUNSELING

Youth At Risk Program: A United Way funded program, provides outreach individual family and crisis counseling services to middle and high school youth in Bernalillo County. Counseling focuses on problem solving helps to design a plan of action necessary in achieving positive personal goals.

The Valencia/Socorro County CHINS Counseling Program: Provides individual, group and family counseling services for clients referred by middle and high school staff in Valencia and Socorro counties. Early intervention provides the most effective means of stabilizing and strengthening families.

Peer Substance Abuse Prevention: Provides the opportunity for adolescents to provide assistance to other youths at risk of substance abuse. Youth Helping Youth is the theme of the program which utilizes a training of trainers approach with a high degree of participation from youth. Runaway and homeless youth are the target population for these services.

Outreach Counseling: Provides counseling services Including individual and family counseling for youth residing in high risk areas needing these services. Services are provided for elementary, middle and high school age youth attending the Albuquerque public schools.

CORRECTIONS

First Offenders Program/Sandoval County: Provides services to children who are first time offenders. Children and parents attend a 7 week program to address peer pressure, communications, substance abuse and pregnancy prevention.

Gang Intervention Program: Concentrates on diverting gang activities to constructive community activity. The program provides gang members with job information, alternative education, and group/individual counseling. It also facilitates social and recreational activities to promote team building.

Institutional Diversion: Provides pre-sentencing alternative to the courts for seriously delinquent juveniles who might otherwise be institutionalized. Program goals are to treat the juvenile offender in the community, rather than relying on correctional facilities by providing supervision and support services to the offender and their families.

PREVENTION

Teatro Consejo: Uses puppetry, music, dance and theatre as the primary modality to educate and prevent substance abuse. Teatro Consejo targets too high risk populations which include youth who are at risk of dropping out of school and preschool children living in a high risk impact area.

Project DeSIDA: Provides HIV prevention and education for Hispanic IV drug users and their families. This unique effort combines street outreach with counseling, theatre and other educational media to combat the rise of IV drug use and resulting HIV infection among the Hispanic population.

Project Poder: Provides comprehensive services to public housing areas. The project assists public housing residents to organize and coordinate efforts to bring about positive changes in their community. Services include counseling, substance abuse prevention, education assistance and job referral and placement.

Amistad AIDS Education/Training: Designed to provide training for trainers who work with high risk adolescents, by providing accurate information in preventing

the spread of the Human Immuno-deficiency Virus (HIV) which causes AIDS. This information and education assists youth in making healthy decisions.

RECREATION

Alamosa Community Center: Offers a comprehensive program which includes: youth and family counseling, job development, youth employment, community pride projects and a structured drop-in recreation program.

Youth Motivation Programs: Designed to involve young children (6-12) in organized sports. Emphasis is placed on beneficial fun runs, walks and soccer. The Little Roadrunners Soccer Club and the Las Senoritas Drill Team are actively involved in a variety of community volunteer efforts, which YDI feels helps to develop a positive self-esteem.

Latch Key Recreation: Provides after school recreation to youth at local school sites. The recreation program consists of drop in centers where youth can participate in game activities. Other sport activities include intramural sports, Las Senoritas Drill Team, Health And Sports programs and Little Roadrunners.

EMPLOYMENT

Summer Youth Employment Programs: Provides employment opportunities for low-income disadvantaged JTPA eligible youth (14-21). Services may range from minor home repairs, exterior home painting services, landscaping projects, graffiti elimination as well as clerical support, recreational and daycare aides. The SYEP program offers on the job training to approximately 500 youth.

Youth Enterprises System: Provides young people with a "hands on" experience in a business environment. YES operates three entrepreneurship businesses which include a thrift store operation, a painting business and a silk screening business.

OTHER PROGRAMS

Youth Development, Inc. is in the process of organizing its *Economic Development Program* which will house revenue generating activities. These activities will assist YDI to supplement the rising costs of providing high quality direct services which truly meet the needs of the community.

In addition to operating programs, YDI also provides community services such as the following:

Youth Development, Inc. works with private citizens and companies in the community to raise scholarship funds. Through these efforts, young people are given the opportunity to continue their education. The recipients of these funds are youth who have made significant strides in setting and achieving goals and are very often youth who had not been expected to "make it" because of their past behaviors.

In order to address the growing concern over substance abuse by youth, Youth Development Inc. has worked with local community groups and the City of Albuquerque to sponsor the first *New Mexico Teen Institute*. The Teen Institute assists youth to discover and develop leadership skills and to use these skills to help in the prevention of substance abuse.

As the most experienced and successful youth aid family service organizations in the State, Youth Development Inc. has become a qualified resource to other community agencies. YDI has taken a lead role in providing *Training and Assistance* for community agencies requesting this service. Community education and training is available on virtually every subject concerning children youth and families.

YDI has successfully melded child and family; private and public institutions; community; city, county, State, and Federal agencies into one of the most comprehensive and, successful efforts in the Nation to address at-risk youth issues.

Management Experience: YDI has a core management staff who average 16 years of employment with the corporation. Senior management staff average a Master's level education and 16 years of management experience. The corporate staff represent 190 years of combined senior management level experience dealing with at-risk youth programs.

YDI has achieved National Exemplary Program status numerous times by following this philosophy. Our corporate philosophy can be summarized as follows:

To create change, take risks, accept responsibility and be accountable for our actions.

To respect all people, promote unity, trust, pride, and exemplify dedication to our mission.

To achieve a high quality of work life through involvement of all people in an environment of openness and fairness in which everyone is treated with dignity, honesty, and respect.

To promote good communications among all employees by operating in an atmosphere of freedom to share ideas and speak one's mind without fear of reprisal.

To do all that we can to help our clients and their families achieve their full potential. To treat them with dignity and respect. To listen to their needs and to do our best to help them become healthy, whole, contributing citizens.

Thank you for your time and effort. I am available to answer any questions.

Chairman MARTINEZ. Thank you, Mr. Baca. Let me ask you a question. It seems like you have developed a complete and comprehensive kind of program here. How many young people do you service in a year?

Mr. BACA. Seventeen thousand.

Chairman MARTINEZ. In one year, 17,000?

Mr. BACA. Yes, sir, and their families.

Chairman MARTINEZ. Where does most of your funding come from right now? Do you have a percentage of funding off the top of your head?

Mr. BACA. It probably turns out to be one-third Federal, one-third local, one-third private fundraising.

Chairman MARTINEZ. One-third Federal, one-third local?

Mr. BACA. Right.

Chairman MARTINEZ. And one-third private funding. The private funding is distinguished from local?

Mr. BACA. That is correct.

Chairman MARTINEZ. What is the local then? What do you consider the local?

Mr. BACA. City and county dollars.

Chairman MARTINEZ. Okay, local government.

Mr. BACA. Right.

Chairman MARTINEZ. And then the one-third is donations.

Mr. BACA. Donations and some of our revenue generating activities that go back to support our programs.

Chairman MARTINEZ. Of the one-third that is local donations, what percentage of that is monies that is raised or earned?

Mr. BACA. Excuse me, I did not understand the question.

Chairman MARTINEZ. You say one-third Federal, one-third local government, and one-third voluntary donations.

Mr. BACA. Right.

Chairman MARTINEZ. But of that one-third voluntary donations a portion of that is the money that you generate from the businesses which you have.

Mr. BACA. That is correct.

Chairman MARTINEZ. What percentage of that one-third is generated by those businesses?

Mr. BACA. At this point, it is about 20 percent. Most of these businesses are relatively new.

Chairman MARTINEZ. But you can expand that. I will tell you what, on your silk screening——

Mr. BACA. Yes.

Chairman MARTINEZ. [continuing] call Bill Richardson and tell him you want to do his political signs next year.

Mr. BACA. That is correct.

Chairman MARTINEZ. There is a company in L.A., Colby, Colby Printers, who I will tell you is fabulous in the amount of business they do and their main business is really, the bulk of their business, is at one time, during an election. Everybody that I know goes to them for the silk screening. You know, so you might start sending out little notices to all the elected officials in the State, "You are going to run a campaign; we do silk screening."

Mr. BACA. Congressman, that is noted. That is a good idea. I am like you, I do not mind plagiarizing.

Chairman MARTINEZ. Very good. But, no, I would like at some point in time to come by and visit your facility and look at your programs personally because it is very intriguing the things you are doing.

Mr. BACA. Mi casa, su casa.

Chairman MARTINEZ. You mentioned child abuse. Did you know that everyday three children die from abuse from a parent?

Mr. BACA. Exactly, it is a sad commentary on what is going on.

Chairman MARTINEZ. You know, a lot of these programs that include family counseling that you talked about are so important because sometimes it is just through ignorance and through frustrations and bitternesses that the parents, they need counseling, too, that they commit this abuse. With counseling and the realization that this is somebody they should love and cherish, not abuse, they turn around. They do turn around.

Some of the parents are abusive parents because they were abused to begin with and even if they were not abused to begin with, it is just frustration. You know, I was raised during the depression. I was born in 1929. There is two auspicious things that happened in that year; one, the stock market crashed and the other was the Valentine Day massacre. Guess what day I was born on, the day of the massacre?

But being raised through that depression, when there was a lot of poverty, we saw in our neighborhood a lot of abuse and most of it was from parents who did not know how they were going to put food on the table for the kids and as a result, that child was in their mind as part of their guilt in not being able to live up to that responsibility. They would strike out.

We saw it more recently here in some of the areas where there were plant closures, major plant closures. And we were testifying in Alabama in a little community where the only source of employment there was a textile mill which had been dislocated. It closed up and put so many of the residents of that community out of work. One lady testified before us that she had been married 23 years to a warm and loving, caring husband who had never raised his hand to any of their three children or herself and had never taken a drink.

When he lost that job and that self-respect as the breadwinner of the house, he suddenly started to drink and become abusive, to the point that she had to get a court order to get him out of the house and a restraining order to keep him away. The guy ended up in an institution and was receiving help and maybe there is some hope, but the desperation of not being able to provide for your family is a lot of times what leads to that.

And where there are alternatives that we can provide, and I go back to the idea that in our preamble to the Constitution in describing why are we enacting the Constitution it says, "In order to form a more perfect union," and one of the reasons is "To promote the general welfare." We have not lived up to that commitment.

Sure it says, "Provide for the common defense," but that does not mean building and spending millions and millions and millions and billions of dollars for defense systems that do not work any more. At the budget conference the Pentagon itself said, "There are 12 systems here dealing with millions of dollars that we do not need, that they have been outdated, that they are no longer capable because there has been other technologies that have been developed that negate them." And yet, because evidently we are in the districts of influential colleagues of mine, not one of those programs was eliminated. And yet, look what we could have done with that money on these programs. Seventy-five million dollars for this program when it really takes more like, I forget who said it, Professor Shepherd, something like $210 million even if we just kept pace with the funding then. But you understand, that is not keeping pace because the funding then was for the problems that existed at that time and may be inadequate at that time; it was not serving the full eligible population and today that number should be so much greater and it is not.

And we have to start setting some priorities in our country. We make great speeches on the House floor about how important our children are to us, being our future and all and how our family structure is so important to us as the basis of our democracy, but somehow we always fall short when it comes to providing the kinds of money.

And not in everything. There are some programs that have great advocacy in Congress. Job Corps is one that is a tremendous program. For every dollar invested, it returns to us somewhere between $1.35 and $1.46. Now, if that were a business, that is 35, 46 percent profit. You are learning in the businesses that you are going to run, if you made that kind of a profit you would be sitting pretty.

But the government actually gets that, and yet, the past administration wanted to zero fund that, wanted to eliminate it. Stockman, who was the President's financial expert, advised him to do away with Job Corps, you know. And that is the kind of leadership we have had from at least the administration and some in Congress. But $750 million for Job Corps is well-spent, but why can we not spend $750 million for this?

Ms. KING. We would like that.

Chairman MARTINEZ. Really, Ms. King, we are serving the same kind of a population. Those people that end up in Job Corps are some of the kids that you would be dealing with or are dealing with because they are not dealing with them. And so it is an important thing. If we can recognize it there, why can we not recognize it here? I am getting off of my main point which is to get information from you and I do not mind to preach to you because it is like preaching to the choir, but Mr. Martinez said that talk is cheap.

Coordination. You know, you can talk about coordination and really do nothing about it. But how do we achieve uniform and real collaboration—and I like his word collaboration because that is a stronger word—in the States for these juvenile delinquency remedies and still have the flexibility that we need at the State level? Can any of you propose an idea to us that we can promote in Congress to getting that collaboration nationally to all the States without——

Mr. BROWN. I think there are some good examples at the State level in a number of different States and I am thinking specifically of places like Oregon, which about 10 years ago decided that they were going to come into compliance with the act and develop what is called Juvenile Services Commissions. And it is a series of commissions that exist in all the rural areas; I am not sure it is in every county, but then there is also a central commission.

We have done the very same thing in Illinois, but it gives a process by which money flows down to the local level. And the local people, even at the neighborhood level, determine what their own individual needs are. Dennis had mentioned earlier how important it was for them to carve out their own types of programs and systems and then have it all work up through, for instance, the State.

The State is uniquely qualified to develop standards and licensing criteria, quality of care type of things. They are uniquely qualified to do training, funding and that kind of thing. But then to move that money down to the local level where they know best, people know best what their own needs are and to meet those really specific needs that kids have.

A model like that, I think, in virtually every State would be a God-sent.

Mr. SHEPHERD. We are seeing some of that in Virginia, Congressman Martinez. Governor Wilder, I think, testified before Congress several months ago on the initiative in Virginia in developing this sort of collaborative process at the State level and moving down to the localities where there will be in each locality something comparable to, you talked about child abuse, to the multi-disciplined teams that exist in addressing the problems of child abuse.

We have developed a program in Virginia in dealing with status offenders where at the local level cases are staffed by social services, education, youth services, health, mental health and now what the State is doing is working out a system whereby the money will follow the child rather than the child having to be pigeon-holed into a particular category. That is one of the dilemmas is taking kids and cutting them up into pieces and saying, "You know, you have to identify this child as schizophrenic or you have to identify this child as learning disabled or you have to identify this child as delinquent or as a CHINS before services can be rendered."

If you can have the money targeted to the child and deal with the child, as several speakers have said, in a more holistic fashion, that makes a lot more sense. And the State is really going to be mandating this sort of inter-agency collaboration and cooperation.

I think that is the model. Part of it, the act talks about the Federal Coordinating Council and yet, it does not happen. If we had a better example in the implementation of what the act mandates,

where HHS with its focus ought to be used on neglected children and foster care and Justice with its drug programs and juvenile justice programs. If we had a better example at the Federal level, that would probably help.

Chairman MARTINEZ. I think we need to look at that. We need to look at the Oregon plan, too, and we will do that. Let me ask, it is getting on to lunch time and I guess some people are beginning to get hungry. I notice some are beginning to leave. But let me ask this last question and then ask the same thing, that we continue the dialogue, that we leave the record open, that there are other things that we might want some elaboration on, and if you would allow us to submit to you in writing or by phone conversations and get us back that information so we can make it part of the record.

But let me ask this of you, Professor Shepherd. We have heard about the valid court waiver issue and would like to know, is it over-used because we have heard that it is over-used? And is it still necessary? Should we change it? Is it true that States are over-utilizing its use?

Mr. SHEPHERD. Well, certainly the Government Accounting Office study showed that it is being over-used particularly in some jurisdictions. The National Coalition opposed the inclusion of the valid court order exception to deinstitutionalization when it was enacted in 1980. We have continued to call for its repeal and I think the GAO study clearly reinforces the position of the National Coalition that it should be removed from the act.

At the very least, what I would like to see is again, even it if were to be continued in the act if there were more specific criteria. Virginia, over the opposition of many of us, ultimately adopted a valid court order exception, but the hoops that had to be jumped through in order to place a child in an institutional setting for violating a valid court order were so stringent that we are finding it is being used very little and only when there has been a staffing by a multi-disciplined team to try and intervene in the problems that the child is continuing to present.

But certainly the GAO study showed that in certain jurisdiction, in Ohio in particular, there was some fairly massive over-use of kind of bootstrapping kids through the valid court order exception into institutionalizing status offenders. But do not get me wrong, that is not the only problem. We have a lot of kids who are truly status offenders that are being locked up in an institutional setting under a delinquency label. You know, the girl who runs away from home and is charged with larceny in having taken a suitcase with her when she left, or having taken $10 out of her mother's purse to catch the bus, when the problems that are really being presented are status offense problems. I mean, the girl is really not a thief. That is not the presenting problem.

And we need to focus on that part of it as well.

Chairman MARTINEZ. Maybe jointly we can. Let me thank you all for being with us today and providing us with this valuable information. I would like to make one announcement, several announcements. I would like you all to know my chief of staff whom, in my absence, can take care of any problem that I can and probably better, Maxine Grant and the staff director of the Subcommittee of Human Resources is Eric Jensen. Do not let the name throw

you; he is not a Swede. And we have had the honored pleasure of having with us on this visit someone from Senator Kohl's office, who is the subcommittee chairman on Juvenile Justice on the Senate side, out of the Judiciary Committee and his able staff person with us today is Marsha Renoir.

And so we thank you and Senator Kohl for sending you along. I know the Senator has indicated that he wants to work with our committee on the House side to achieve some of these things we are talking about here today and his commitment to that is evidenced by the fact that he has sent his staff person here to be with us today.

Again, thank you all and thank you for participating, and the audience who just listened patiently to us. And we hope that it has been informational to you as well. And thank you again. Thank you, Ms. King and thank the Governor for allowing us to visit your wonderful State.

Ms. KING. Thank you. We are very pleased that you are here and I would just like to go back and emphasize again that you cannot just treat the child; you have to treat the whole family and that needs to be considered.

Chairman MARTINEZ. Absolutely. Thank you again.

[Whereupon, at 12:10 p.m., the subcommittee adjourned.]

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